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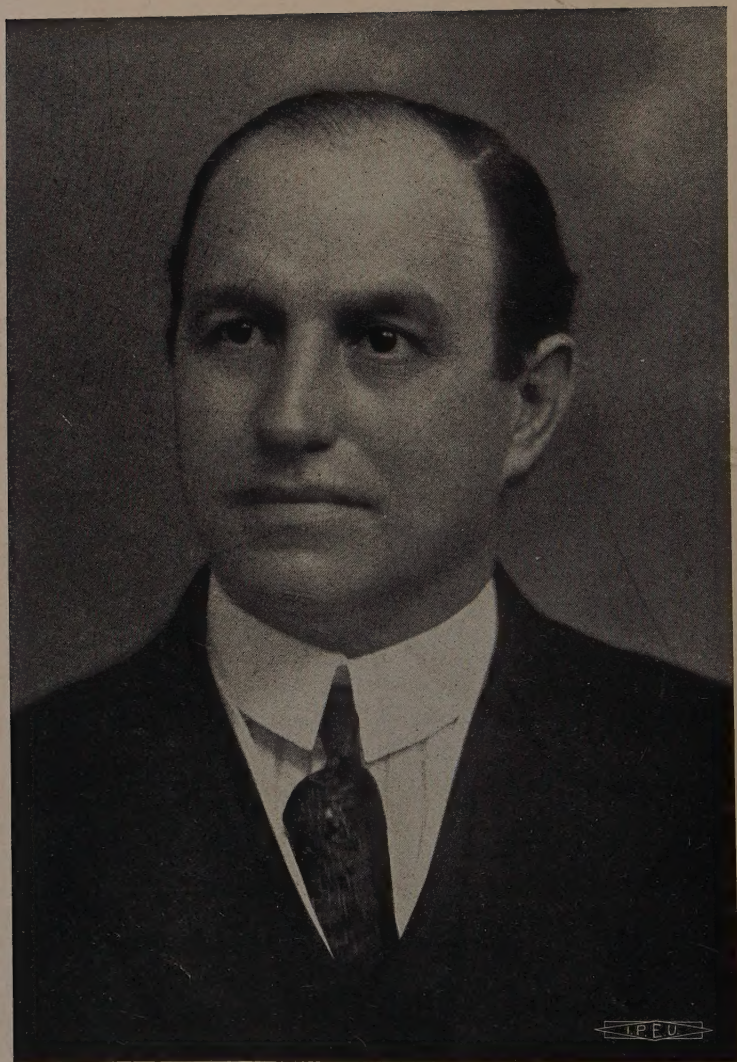
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JOHN MITCHELL

The Wage Earner *and* His Problems

By
JOHN MITCHELL

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The wage earner and his problems,

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WASHINGTON, D. C.
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FOREWORD

No one can doubt but that the reading habit is firmly established among the American people. We read and we read—at home, on the street, in the street car, on the train, in places of work; we read as we eat, as we talk, as we walk, as we wait. Daily we consume tons and tons of printed matter.

This reading habit of ours is of vital significance and effect in determining what we are and what we would be. When first we enter the world of books by the road of the a, b, c's, we come into a wider and greater world of realities and a realm of imagery. Beginning in childhood with the fairy-land and the make-believe, we may go further and further into the world of books and thought, and may there find and know men and women—all that they were or dreamed, or strove and agonized to be. In that world mind calls unto mind across all ages, the great and noble of all times speak simply and clearly to anyone who will hear, truths of life and work, truths born of experience and wisdom; and yet do all Americans realize that this reading habit is the talisman that admits them to communion and companionship with the immortals? Or is the talisman prostituted to less worthy purposes?

They tell us that Americans read more news-

papers than any other form of literature, and that periodicals rank next in popularity. The modern American newspaper is something which is generally looked upon as an achievement—morning editions, noon editions, evening editions, Sunday paper, and extra editions whenever necessary to inform the public of the latest happenings. These do indeed serve a purpose, and, as a rule, serve it well. Daily they bring to the readers, whether in the city or in the remotest habitations, such happenings of the whole world as editors and reporters deem of greatest moment. They reflect the outward manifestation of the sweep and scope of world action. The papers and the periodicals not only chronicle events, but comment on the force and the trend of related movements. Valuable as is the function of this reading matter, yet it is, and is intended to be, only ephemeral. It deals largely with the superficial aspects and phases of life, with that which is sensational, adventitious and abnormal, and not with the underlying, fundamental forces of life, thought and action. Those whose reading is confined to this sort of material miss the treasures of literature,—the great books which tell of life with its suffering and its joy, its pain and its hope, its struggles and its visions of greater things beyond. There are books written in red blood, books that bring you close to the throbbing heart of all humanity and reveal to you the imperishable force

of personality, books that bring you into tune with the music of the universe and the soul-life and purposes that shape and mold the course of human development. These are the books of inspiration and life, these are what should be read and re-read, these are they which live and bring their message to men of all ages.

Not many of us realize how much we owe to the books that we read—they constitute our chief source from which to acquire information. Largely from what we read we build up our mental world which determines or is the self and the will to action, we fashion our precepts and concepts, our mental tools and our ideals. Whatever it is our custom to read is that which fixes the tone of our mental existence, determines our sympathies and our interpretations of men and life.

Centuries ago it was written "of making many books there is no end." Today as then, there are books written by the vain and the foolish, by those of little understanding. These last but a brief while and then vanish into the void of time. There are others written by men who told of things which were lasting and fundamental, and who dealt with bed-rock truths and the eternal verities. These were men who had been fired by life's dreams and purposes, whose suffering and experiences made them more keenly sensitive to the passions of humanity. They were

seers who could interpret life, who could enrich others by the wealth of their experiences and enter into every mind and life, and inspire by their coming. Through their books we are granted the privilege of communion with these leaders of all ages, of sensing their personalities and understanding their characters, of grasping the meaning and import of that imperishable personality which is gathered from the forces of all the ages that have gone before, and shall live in all the ages that are to come. These are the books that shall live and never die; they deal with human life, its depths and its shallows. Those which tell of life, human efforts and aspirations are what may with profit constitute the reading matter of all our people that they may understand and appreciate the world in which they live and the lives of all among whom they dwell that the common life may be uplifted to a thing of joy and unlimited development.

When we see in the common life the joy and the purpose of living, when all can find there the opportunity for the realization of the best and the greatest in each individual, then there will come into the life of the whole nation an understanding that will bless and glorify the work that is done by each and all. A book that interprets the motives and the purpose of a movement that meets a vital human need, that in familiar terms tells the

ignorant, the heedless and the isolated, why that movement is what it is, is a book that will do a part in creating and fashioning the forces of national thought and action. Of such a character is this book by John Mitchell.

Washington, D. C.,

February 21st, 1913.

SAMUEL GOMPERS

President, American Federation of Labor

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CHAPTER I.

THE WAGE EARNERS AND LABOR ORGANIZATIONS.

In November of each year, at some one of the large cities, the convention of the American Federation of Labor is held, continuing in session for about two weeks. The press dispatches from day to day relative to the transactions of the delegates to these conventions may be expected to contain news so varied in character, if we are to judge by the past, that the general reader will be puzzled by them, or perhaps pleased or vexed, accordingly as he may be imperfectly informed as to what it is all about, or shall have his prepossessions confirmed or his prejudices aroused. Our friends the reporters present will seize the points which in their judgment may interest their respective newspapers. Hence, in the pictures certain of them will paint, there may be,—once in a while,—a preponderance of black color, if the taste of their readers is for black, and contrariwise as to white. In either case, or even when colorless news matter is sent out perfunctorily day by day, the newspaper reports are usually fragmentary. Besides, seeing a new set of facts just as they are, uncolored by one's own eyes, is a point in efficiency not always developed even among observers drilled by the most modern scientific reportorial methods.

Hence, the reader is often left uncertain on many matters relating to convention legislation as well as to trade union aims and tendencies.

For such reasons, on the suggestion of various sympathizers with the truth for the employer as well as for the wage earner, I am going to offer in these pages something of fact and something of opinion bearing on labor questions of the day. I may help readers in general to familiarize themselves with the work of organized labor, not only at conventions but all the year round. These observations are not to relate to any of the purely organization questions at present in controversy, but rather to the larger social problems which the trade unions are having their share in trying to solve and on which the majority of active union men are in accord. These discussions are not to be attempts at formal essays or treatises, are not in the least to be in the form of systematized statistical and doctrinal statement. They are merely to be talks, from one citizen of our big republic, on a subject which he has at heart, to such of its citizens as may care to hear what he has to say thereon.

First, then, as to organization. Union men, on meeting people of those branches of society not organizable as are wage earners, are frequently surprised at the latter's want of knowledge of the methods, forms and mechanism of trade unions.

With regard to labor organization they are in the mental state of the boy who is accustomed to seeing his mother frequently sewing on his buttons, or the girl who lets her mother do the kitchen work, without further inquiry. Children sympathize with mother, certainly, but they are engrossed in their own important affairs and let her sweat. To-day, perhaps the majority of our people may understand how a trade union is put together, held intact by a system of dues and assessments, and engineered by officers who have been instructed by the members which way to head. But there is a minority, by no means small, who have not mastered that elementary chapter in trade unionism and who because of ignorance on this point cannot see the why or the wherefore of much that occurs in labor agitation and trade-union procedure.

To summarize the major points needed in the instruction of anyone in this minority, I invite him to look with me at the established routine of the proceedings of one of these great congresses of labor. The American Federation of Labor is an organization of organizations. Federated, it is to be noted, not amalgamated. That is to say, each of its affiliated organizations is autonomous with respect to the affairs of its own jurisdiction. This lies either within a single occupation or within the several closely related occupations of an industry,

or, in case of the subsidiary central union, within a State or a city.

Last year, in Rochester, N. Y., the convention was made up of 355 delegates, of whom 231 were sent by 90 national unions (or international, which signifies that they include Canada), 30 State Federations, 67 city central unions, 18 trade and federal unions, and 7 fraternal organizations, including the British Trades Union Congress, the Canadian Trades and Labor Congress, the National Women's Trade Union League, the Women's International Union Label League, the Federal Council of the Churches of Christ in America, the American Federation of Catholic Societies, and the Church Association for the Advancement of Labor.

The number of votes allotted these various classifications, however, tells a story not suggested by the mere enumeration of the delegates. The 231 national (and international) representatives took 17,202 votes and all the others only 141. This signifies that while the Federation accords equality in debate to all organizations, it rarely gives the non-international bodies an effective voice on critical questions, when the votes are counted. This point is worth while explaining here, because a certain active political party has cried out to those nations of the earth in which the workers as a class are in political revolt that

the American Federation of Labor is undemocratic, and therefore tyrannical and unjust, in its apportionment of the voting power at its conventions. By these representatives, the cities of New York and Chicago, both with hundreds of thousands of union members, have each only a single vote, while, for example, the Shingle Weavers' International Union, with perhaps a few thousand members, has 15 votes, and the Typographical Union, with fifty-four thousand seven hundred members, has 547 votes. Truly, on first glance a glaring anomaly—falling into the class of facts which are important if true. This is the explanation: All the members of the various unions of New York, Chicago, and the other cities sending delegates from their Central Labor Unions, as well as all the members of the State Federations, are already duly represented in the convention through the delegates of their respective national (or international) unions. Proof here, therefore, of how a half truth may be a whole error.

As thus seen, the convention becomes really a delegate meeting of the national (or international) unions, which, however, through both generosity and policy, invite the State and city central organizations, which are made up of members of the all-encompassing international (let us call them) bodies, to participate in that forum, school of instruction in unionism, and common ground for promoting acquaintanceship which is termed a

convention. In the debates, and in the *viva voce* voting, the State and city delegates play an equal part with the others, but on a formal count they fall away quite to ciphers. The Federation thus permits the territorial organizations to contribute the force of their ideas, but lodges in the occupational organizations the power of decisive yea and nay.

✓ A feature of the international unions is that each covers America. In the British Trades Union Congress there may be represented six national unions of laborers, or two or three of hatters, or tailors, every one having its own set of officials, but under the American Federation there can be no dual organization—in city, State, or nation, or of any trade or calling whatsoever.

Attempts have been made in America to promote organization by entire industries—"industrial organization"—in which distinctly separated crafts should be merged. The theory advanced here is that in case of a strike "an injury to one should be the concern of all," and the query is therefore put to unionists, "Why should only a single trade go on strike against a corporation, perhaps to sure defeat, whereas if all its employes were consolidated into one union they would be irresistible?"

The practice which comes from experience, however, has in the notable case of the Typographical Union shown the value of separating crafts in the

printing industry, even after they had once been amalgamated. In a few other unions in which the unity of all could be endangered by the independent action of a small percentage, as, for illustration, in the United Mine Workers of America, the cook is counted a member of the family, and all men employed in the mining industry are wisely organized as members of the same union. The American Federation has within a few years set up "departments"—of the building trades, of the metal trades, of several railway men's organizations—intended to give recognition to whatever is valuable in "industrial unionism."

An international union is made up of "local" unions of its calling, each local union covering a town or city, or, in cases, a district. Some of the international unions have four, five, or even as many as twenty-five hundred local unions in as many places. Headquarters of the international bodies are located to suit the convenience of the trade. This brings many of them to the cities of the Middle West. The Federation headquarters are in Washington.

The visitor who sits in the gallery of the convention hall, watching the proceedings, soon absorbs a volume of facts that corrects false impressions held by many persons among the general public who might through inquiry easily know better. Day by day the sessions are public; representatives of the press are in constant attendance,

and the general public is cordially invited to witness the deliberations of the delegates, yet the idea that they are secret still lingers in the minds of some readers of daily papers who need only the word "labor" in a heading to make them skip on to the next column. As an evidence of the gullibility of men who should know better, it might be stated that some time ago a detective agency circularized employers proposing to sell to them information concerning the daily proceedings of the American Federation of Labor convention, the impression being conveyed that these sessions were held in secret and the proceedings were difficult to obtain.

The reference to dues and assessments by the speakers gives proof that the number of members in the unions is reckoned by book accounts representing dollars and cents paid in, and not simply by the number of people who may say, "I am a trade unionist," as one would say, "I am a Democrat." It costs hard cash to be a union member, while to be an enthusiastic shouter for a political party nothing more is needed than patriotism.

The one fact commented upon in the gallery is usually the absence of speechifying on the floor. Elocution, spell-binding, impassioned appeals to responsive emotionalism—there is little of all that. The big convention as a machine moves somewhat slowly. Every man can have a hearing if he gets down to business. In fact, the

directness, simplicity, and relevancy of the points commonly made by men taking the floor is a disappointment both to observers who have looked for "the talking for one's constituents" so much heard in legislative halls and to sentimentalists who yearn for burning words from inspired missionaries proclaiming a paradise on earth soon to come through the magic of a universal panacea.

The man in the gallery hears officers' annual reports read, motions made and referred to committees, and then committee reports on these motions debated. Of course, there are now and then brought up on the platform, especially during the early days, prominent men and women who have something to say. If any of these froth, they discover their error. The delegates are cordial, but being mostly "old stagers" themselves, they know substance from slather. The fraternal delegates—trade unionists from Great Britain and Canada, clergymen representing various denominations, farmers from the national agricultural organizations, women from the international leagues—are heard with special attention. What each of them has to say marks off the advance made for trade unionism in some direction in American society or in some other part of the world. All attempts to commit the Federation to partisan politics the delegates watch narrowly. It dawns upon the spectator at length that among the delegates a sufficient number have had expe-

rience with all the social movements that have had their day, or are now affecting the public, to prevent trade unionism leaving its own track and switching off on other roads. The spectator also perceives that the trade union principles and policies of this country are pretty well settled. There is not very much probability of sudden change in them soon. The faith of the delegates is seen to be in the movement itself and as a whole. They are not awaiting the sky-rocket rise and marvelous achievements of a Napoleonic leader with a new sociological invention to work wonders for the wage earners. They are here in a practical turn of mind, patiently engaged in a piece of business. Have they sentiment? Aye, in its place. Hope? Certainly, to its definite limits. Idealism? Truly, as toned down to experience. But emotional inspirations to action are rarely worked up on the convention floor. An assumption that governs the speakers is that their fellow-delegates have all passed through the primary stages of "conviction," "conversion," "change of heart from sin," and "determination to live up to bounden duty." Therefore the arguments are mostly musterings of fact germane to the pending question. Now and again, naturally, a misplaced reformer declares his radicalism, or a fresh recruit displays his awkwardness in the drill, or a brashy youth talks as wildly as a one-term member of a legislature, but toward the per-

formances of these irregulars the attitude of the convention is that of the giant to the child. There may be a wave of amused laughter, and the incident is over.

The gallery spectator may have the usual run of initial inquiries regarding trade unionism answered in the development of the proceedings on the floor. Why, he will ask, organized labor?

Why organized labor? After two days in the gallery, the spectator may well be inclined to ask, Why not organized labor? In the absence of the union, who could speak with any force to the individual employer or the employing class on behalf of the employed, as these delegates do by reason of their office? Who could render labor laws effective? Who could ever present the complaints of the non-unionists, either to employers or society? Who could tell the world that there is a labor question? In the statements of delegates, from any of the occupations represented in the convention, made not necessarily for justification of unionism, but rather in explaining every-day work, is convincing testimony that in the conduct of industry in general labor is treated as a commodity in the market. The item of "labor" in the bookkeeping of an employer runs along in the column with the items of raw materials or other supplies. All things equal, the business man buys in the cheapest market. He exercises his choice in buying from one dealer or another in coal or ore,

lumber or leather. Similarly, he plays off labor against labor—the stock of unemployed labor against his own employed labor. Notwithstanding the waste of this process, as a general thing the dealers in materials survive through their foresight, management, judgment of the average market prices, and their being able to wait. But the wage worker, as a seller of labor, usually cannot wait. Standing alone, his labor is usually on a forced market, he competes for employment with his fellows, his wages tend to fall, and if the conditions under which he works are bad he cannot afford to remonstrate. In this situation, where can he find succor? In reply to this question the genius of this age has offered two solutions. The first is, to reform or revolutionize social conditions. Unhappily, the multiplicity of doctors and doctrines in the offer of this solution baffle the masses. “Put me in office,” the doctors say, “so that I may compel society to take my medicine.” Verily, the result, thus far, has not remedied that defect in the labor market whereby the excess of the seekers for work over places for them puts in jeopardy the security of the wage earners at work. Clearly, then, the workers must try the other solution, which modern times have developed—the mastering of the labor market by the wage workers managing the sale of their labor in combination. The New York Labor Bureau reports from year to year six per cent. or three, or per-

haps eight, of the organized workers as unemployed. When insured by the solidarity of their labor organizations against low wages when their time shall come to get work, the idle union members refuse to sell their labor in the market at the buyers' first bid. Besides, in a progressive degree, the years see the trade union membership insured also against sickness, accident, death, and unemployment. Further, the union not only enforces the making of law prescribing conditions conservative of the health and comfort of the workers, but injects life into such laws. That all these statements are facts not to be contradicted, affecting intimately and vitally the daily existence of the toilers and that, awaiting the dawn of the millennium, they describe the practical solution of the immediate problems of the wage system, enters the mind of the spectator who sits, with the judgment of a jurymen, in the convention gallery.

Once convinced that some kind of a wage earners' union is today essential, the interested inquirer may have two subsequent questions answered the more easily.

Why the present form of organization? Time has worked it out. It is not secret, with rites of initiation, regalia, grips, signs and sounding titles for officials, and foretokenage of social transformation, for the reason that, by the present generation of workers, mystery, symbolism, stage heroics, and lodge-room theatricals are not

regarded as appropriate to the directness of the character of trade unionism. Today's trade unionists are through with the lost motions which took up the time of their fathers in the noble and holy orders of knighthood that were wrecked on wind-mills. They want in their prosaic daily work of dealing with employers no aid from tinselled and gowned prestidigitateurs juggling tinted glass globes. They are accustomed to seeing a solid leather-covered ball flying straight from pitcher to batter and thence, whack, to the field, all in the open. From the little local union to the American Federation of Labor the pyramid of organization is simple, symmetrical, solid—parts of a well-planned machine, constructed for smooth-running, co-operative work.

Why not in politics? Well, which party? A new party? Or one of the old parties? Political action requires unity upon demands sufficiently important to induce men to break their usual party connections. Up to the present, trade unionists have not reached agreement on problematical social remedies only remotely possible of application. As for projects falling within the limits of practicability, they exert a force favorable to the working-classes. That the labor laws now on the statute books are there through union effort is shown by the fact that in States where labor organization is weak the laws are few or quite a dead letter, labor bureaus are non-existent

or feeble, and legislators are not well convinced by labor committees that labor has a big vote and wants at least a small voice in legislation. However sad it may be to contemplate the masses not ruling, as they should in their majority, the unbudgeable fact stands that they, like the professors of economics, the statesmen who impose tariffs, the idealists who construct utopias, do not agree on how and what to rule.

London Why strike? Otherwise, the reply must be, the question of mastery of the market cannot be completely settled. Why boycott? When the workers shall be the only offending party in this regard, they alone may be called upon to defend the procedure. But practice of the boycott is common to all groups of society. Why violence in the case of strikes? We tell you that unionists are rarely as violent as are non-unionists, that organization generally develops discipline, that an unorganized community is less lawful during labor disputes than one in which the unions are strong. Why refuse to work with the non-unionist? Because he offers a standing low bid for a job to the buyer of labor—if for no other reason.

So run the usual questions, and so the replies. The one and the other have formed the basis of volumes. Only an index to them can be outlined here.

The reader has in these lines been invited as a spectator to the convention gallery. He has had

described to him the body of labor delegates as one sitting with them has for years seen them. He has observed them at their task of legislating for the membership of the Federation in matters lying beyond the jurisdiction of the various separate unions. He has learned that the labor organization is a great modern institution, as lasting as the social conditions by which it has been produced. Its attitude toward other institutions of the time, its policies and practices, its future—these are topics with which I shall attempt to deal in subsequent chapters.

CHAPTER II.

THE WAGE EARNERS AND IMMIGRATION.

The spectator in the gallery who follows the proceedings of a convention of the American Federation of Labor, or any of the great national or international trade unions, thus obtaining from the discussions direct information on live labor problems, has opportunity for hearing first-hand testimony as to some of the far-reaching economic effects of immigration.

This subject, he may observe, on mentally looking back over the debates when the convention is ended, has been treated by the delegates as first of all a wage earners' question. At the present time the incoming millions from Europe do not by any means enter at once into the various levels of the American industries and professions. Their America is our labor market, in fact almost invariably our unskilled labor market. They do not start in buying a business, taking up a farm, or selecting a location where they may practice as lawyer, doctor, minister, or writer. From the newly arrived immigrants, therefore, the managers of affairs, the leaders in commercial life, the politicians and lawmakers, the editorial fraternity, the landowners, all are in no immediate danger of competition. Hence these classes but

remotely feel any of the effects of immigration other than such as are apparently beneficial to themselves through the cheapness of labor and the submissiveness of the laborers. It is otherwise with the wage worker. The sole avenue of entrance to America for perhaps ninety-nine per cent. of the immigrants being through the unskilled labor market, this, to wage earners, is the fact of all facts relative to immigration. This truth sets aside as irrelevant and misleading the mere statistician's consideration that in proportion to population a million and a quarter of immigrants in 1910 is less than the 427,000 of 1854. Sixty years ago, fifty, forty—yes, thirty—years ago the main volume of immigration poured westward. In that direction lay the open land—opportunity. Moreover, only once in the succeeding twenty years was the tide of 1854 equaled. At one time it fell to one-sixth of that year, and usually it was less than one-half. But for nearly a decade now the gross arrivals yearly have averaged a million.

The wage workers of America know full well that "opportunity" in the old sense of the public lands no longer exists in this country. They know that the immigrants now coming are not on arrival so fully qualified to be Americans, to be independent wage earners to be soon candidates for every walk of our national life, as were the immigrants generally even so late as twenty years ago. They

are less qualified through their illiteracy, their speaking languages not akin to English, their undevelopment in the skilled trades, their traditions of dependence upon masters and paternal institutions, through even their methods of work. They must begin building themselves up as citizens with little more foundation than their bodily strength. If the true definition of "an American" is "one who is the product of American institutions," our old-time immigrants were generally familiar in their home countries with a goodly part of those institutions, especially their spirit, while the present-day immigrants have usually toward them merely the position of untaught children handicapped by the temporary deafness and dumbness of not understanding the English language.

The spectator may learn from his seat in the gallery the attitude of the delegates on the immigration question. It is a logical attitude with reference to events. It is shown, not so much in the discussions of immigration in itself, as in statements made regarding the pressure of the freshly arrived immigrants into the fields of competition in the various occupations. A point to be noticed is the absence of prejudice against the immigrants; the adverse judgment pronounced is upon the men who bring them here. The note that is sounded most frequently in the words of the

speakers is sympathy with the immigrants in their poverty and helplessness.

A majority of the delegates, if not themselves foreign born, are the sons or grandsons of men who crossed the sea to get to this country. Most numerous and active are those having Irish names. Next come Germans. Then men of other northern European nationalities. Delegates of the Latin races are making their appearance in recent years. The English names common to that part of the American population which predominated in this country to so great an extent prior to 1850 are rare. These facts in themselves reveal certain social developments. The old families of New England, the Middle and the Middle Western States now put comparatively few of their sons at a trade. Those old families were on the spot when the cream of the country was to be taken for the gathering. Rough work hence gradually went out of fashion with them. To-day the well-off among them give their poor relations the genteel indoor jobs, which enable the holders at least to get along, many of them holding aloof from the wage-working classes. The Irish-American wage earners have two prominent characteristics; among the most skilful of mechanics, they are ever sent to the front as standard bearers for their fellow-workmen. In certain of the out-door trades, such as railroading and the erection of buildings, men of Irish-American blood are in a large

majority, a fact significant of racial hardihood. Germans or German-Americans come out strong as brewers, bakers, cigarmakers, garment cutters, butchers, tailors—callings in general requiring patience, study and persistence, or to be traced to a training in their home land.

The complaints of the inroads of the ever-arriving immigrants on their labor markets come from the men of lesser skill among the miners, metal workers, street laborers, or in the building trades, although some of the indoor workers such as those employed in the textile industry and the garment trades, in both of which a very large percentage of the wage earners are foreign born, suffer in their unionism—which means their scale of wages and other union conditions—through the competition of the multitudinous hungry and humble strangers who, once here, must get their living here.

These points are plainly made in the testimony of delegates representing occupations in which the new immigrants have displaced, or are displacing, those who have been here long enough to sniff liberty and aspire to American standards, who themselves only a few years ago displaced Americans or Europeans of other races than their own. As such delegates, standing on the floor of the convention, describe conditions among the unorganized immigrants who are crowding out the organized in their occupations, or privately

between sessions give information on the subject from experience covering many parts of the country, the inquiring visitor is impressed that here he is face to face with the immigration problem in its vitally important social phase—that of its direct results upon America as the land of the independent wage-working citizen, to whom all the possibilities of a high civilization should remain open.

The delegates of the occupations most closely interested can with truth tell the inquirer that, simply through the inability of the helpless, ignorant, newly-arrived immigrants, our laws protective of life and health are frequently a dead letter, in mine or manufactory, among the transport workers or the building trades men. Upon the labor unions falls mainly the burden of enforcing protective enactments, a fact true in Europe as well as in this country. Where the unions are weak, the mere maintenance of their scale of wages requiring most of their energies, these laws are often neglected, and where no unions exist they pass to nothingness. It is a certainty that where factory girls are burned to death by the score or the lives of miners are lost by the hundreds, the question may be asked: Why were they not duly protected by the existing laws? And the answer is quite sure to be: Because the union was not strong enough to cope with a law-breaking employer. Where there are no unions, vig-

ilant and systematic defense of the workers is well-nigh at an end.

Poverty is the weakness, the undoing of the poor, ever the one ample explanation for their defenselessness. How numerous are the poor, how their deprivations at times unman them, how unrequited their labors, how heroic their struggles can be told by the labor representatives, speaking for their own callings at a convention. Begin with the bakers. Why are bakers in New York forever striking? A decade ago, twenty years ago, a quarter of a century ago New York striking bakers put up their plea to the State lawgivers, invoked public opinion in their favor, called upon organized labor for help, some union members even committed acts of violence that they might be jailed as martyrs in the hope of making known the necessity of improving conditions in the baking industry. Yet today in the New York cellar bakeries still toils poverty in mortal pain. It took thirty years of agitation to obtain a few effective statutes governing bakery sanitation, passed only a few years ago. How long are these laws to be enforced? The employing bakers carried the bake-shop ten-hour law up to the United States Supreme Court to have it declared unconstitutional, and succeeded. Within the past two years New York journeymen bakers in large numbers were striking against working unlimited hours and against compulsory boarding

in the shop—in the dark over-heated and inadequately ventilated underground bake-room in which they worked. Withal, their wages were among the lowest. The bakers' unions are difficult to maintain; the better conditions gained through successful strikes alternate with the worse conditions thereafter gradually enforced by employers. Why this state of things in the baking trade? Poverty, of course. The poverty of the penniless, hungry immigrant of today competing with the but slightly less pitiable poverty of the toilsome immigrant of yesterday, engaged in the task of Sisyphus—his merely elementary needs forming both the hill to be overcome and the stone that he fails to get to the top.

The reservoir of labor on which the bakery employers make constant drafts is the mass of unemployed in New York, continually fed by the stream of immigrants arriving from Europe. As with the baking, so with the clothing industry. For years in every strike lost by the garment workers or lockout won by their employers, the determining factor has been the shiploads of people arriving at the landing place at the Battery, with less per head in their pockets than two weeks' purchase on life. About seven years ago, consequently, the executive board of the garment workers' union, themselves nearly all foreign born, passed resolutions calling for restricted immigration.

If an examination be made of one occupation after another in New York, it will be found that in all those which, like baking and garment making, may be followed in this country by persons not speaking English, the immediate cause of dire poverty is unemployment. This simply means that the arriving immigrants are not needed in the labor market, except to be used by employers in enforced competition with the wage-earners already here.

But, it will be asked, is really the encompassing direct cause of dependent poverty today in America unemployment? Recent reports are: The cases of 5,000 families applying to the Charity Organization Society for aid being duly recorded with reference to the sources of deprivation, ten specific causes were set down as those to which disability to make a living were attributable. In more than 69 per cent. a factor was unemployment, though, naturally, associated with other factors—chronic physical ailments, widowhood, etc. Intemperance was a concomitant in less than 17 per cent. of all these cases. In 4,325 families applying to the United Hebrew Charities for aid, there were 1,348 cases of unemployment on the part of the bread-winners. Of 62,851 unoccupied members of labor unions in the State of New York at the end of March, 1910, 42,010 were out because of lack of employment. The State Commission on unemployment reports that the records

of charitable organizations show that a large proportion of cases of destitution is due primarily to lack of work. The Bowery Mission in two and one-half years found work for only 9,000 out of about 40,000 applicants; the National Employment Exchange in 1910 for only 4,600 out of 24,600 applicants; the Division of Information, United States Bureau of Immigration, only 3,812 out of 24,000.

There may have been a time when New York statistics for unemployment were not accurately suggestive as a gauge for the country as a whole. But the investigator, as a preliminary step, might profitably inquire in November at a convention of the American Federation of Labor as to whether the delegates can give evidence that New York conditions in this respect are typical or not for the industrial centers in general of the United States today. What would necessarily be the reply of the miners, the steel workers, the building trades laborers, the freight handlers, the railroad maintenance of way employes, the seamen, the laborers for roadway and similar contractors? What the reply of the indoor occupations—the needle workers, the mill operatives, the light metal shop hands, the factory workers in a score of national industries? The answer is to be found in the long contested strikes of the last few years. The mere mention of geographical names calls up heart-rending accounts of the sufferings of wage earners

who have had their bitter choice between uncomplaining insufficiency while at work and desperate straits while on strike—Westmoreland county and Bethlehem, Pennsylvania; Grand Rapids, Michigan; the mining fields of West Virginia. Every year New York and Chicago and other large cities show the possibilities of labor disputes involving men and women by the tens of thousands. With the successive investigations of labor conditions, by the unions, by labor bureaus, by social workers, the industrial and mining centers of the country are seen to present the same general features of masses of immigrant workmen, employed and unemployed, at times weakening trade unions through competition, at times, whether organized or unorganized, breaking out in strikes, and astonishing the public with their recklessness, or their stubborn resistance, or their patient, dogged suffering.

The rapidity with which the new immigrant is penetrating classes of workmen other than those ranking lowest in skill, into which he usually enters on arriving in America, is becoming noticeable. The youth five years in this country, learning with his English some of the ways of young America, makes for a better paying grade of work than his father's. The little boy or girl of ten years of age on arrival is in four years legally a factory hand. The control of the market for rough labor by the new immigration is thus

followed by a pressure upon higher forms of work that Americans or the older immigrants and their sons have assumed must remain their own. Elevator and hotel boys, street car conductors, musicians, skilled building trades workmen, salesmen, semi-skilled benchmen in workshops—the physiognomies of these classes of work-people no longer invariably suggest American or northern European birthplaces. The possibilities of the competition embodied in the unparalleled migration of the European masses to America is beginning to be keenly felt in the ranks of the lesser commercial men and even in the professions in parts of the country which a few years ago had not been made aware of an immigration question. The self-contained established small gentry who composedly moved along in fancied security in their several genteel occupations are awakening to economic troubles of their own. They are finding out what competition for opportunity to gain a livelihood for small capitalists and propertyless men of liberal education means and are learning that all social problems are not to be settled by shrewdness or shirking in dealing with questions of marriage and the family.

While the movement of the new immigrant and his quickly assimilated children upward in the hierarchy of occupations is thus proceeding apace, his spread in masses over the area of the country in the last few years has been marvelous. A recent

study in labor circles of this phase of the immigration problem has brought before the public the picture of a network of variously named agencies having in view finding work for immigrants and assisting them to any point in the United States where it is to be had. No similar aid exists for American workmen. The headquarters of these agencies invariably connect with points close to the landing place of the immigrants in New York. Blind indeed must be the investigator on this subject who cannot or will not see the power of the steamship lines behind the work being carried on so extensively by some of these agencies to take care of the arriving immigrants.

All these facts bearing on the subject of immigration have come home to many of the delegates to the convention of the American Federation of Labor. Probably not one of them, and indeed not one prominent labor man in the entire country, but has passed through the same series of impressions and sentiments regarding immigration. Where once was acquiescence, if not approval, there is now opposition. Labor's sympathy with labor reaches from America to Europe. Pity, a desire to help, hope for a better future for all labor, a faith in human nature in its lowliest estate—these are sentiments usually aroused in the breast of the American workingman in contemplating the hard fate of his brother in Europe. Aye, and on that string has the cunning hand of

master manipulators of labor long played. Great wealth has been absorbed by the steamship lines carrying the millions of immigrants to America; great wealth is being produced by the help of the immigrants for the men getting far more than their share of production. It is the first business of steamship companies, big manufacturers, and great corporations to procure dividends. Their concern for the workmen, for a just society, for permanency of the democratic institutions of America is secondary. But since, as we have seen, immigration is to the American workingmen first of all a wages question, the organized wage earners have been obliged to study it closely, have hence moved beyond the merely sentimental stage in contemplating it, have many a time soberly discussed it in their unions and at their conventions, and finally have decided how duty to themselves and their country requires them to act.

The annual convention of the American Federation of Labor held at Toronto, Canada, November, 1909, voted for restriction; it resolved to demand an illiteracy test, a money in pocket test, an increased head tax, and the abolition of the Government Distribution Bureau. Since that time the policy of organized labor then adopted has been strengthened by the findings of the United States Immigration Commission. The most striking passage in the commission's report was:

“The investigations of the commission show an oversupply of unskilled labor in basic industries to an extent which indicates an oversupply of unskilled labor in the industries of the country as a whole, and therefore demands legislation which will at the present time restrict the further admission of such unskilled labor.”

The commission held it to be desirable that “a sufficient number be debarred to produce a marked effect upon the present supply of unskilled labor.” It recognized as possible the first three of the four methods of exclusion recommended by organized labor, with others, the most significant of which was “the limitation of the number of each race arriving each year to a certain percentage of the average of that race arriving during a given period of years.”

Of what avail are “commissions on congestion” in our cities, “State labor exchanges,” “committees of investigation into the condition of the poor,” “surveys of industrial centers,” and similar social reform agencies or movements, if they do not result in emphasizing properly the real menace to the American working classes and to all American society? That menace, clearly, lies in the many millions of the victims of poverty and ignorance, of wretched government and backward civilization, in southern and eastern Europe. To European steamship companies and great American capitalists their exploitation has been as mines of gold and quarries of diamonds.

CHAPTER III.

THE WAGE EARNERS AND COMPENSATION FOR INDUSTRIAL ACCIDENTS.

The foremost national economic issue that bears directly on the labor market, as we have seen in the preceding chapter, is immigration. However, the most urgent practical measure to provide by legislation for the protection of wage earners against the want and suffering resulting from misfortunes to which they are peculiarly liable, is "compensation."

In this one word compensation are comprised the possible methods not only of compensating wage workers or their families in case of industrial accidents but of preventing such accidents. Where compensation has been established, prevention has followed. Also, wherever enforced, the two measures together have brought about a marked decrease in the fatalities and other casualties proportionate to the number of persons at work.

Statistical statements as to the industrial accidents occurring in America seem incredible to the casual reader who glances at the subject superficially. Significance of the extent or the social import of the facts behind their tabular presentment usually fails to settle itself clearly in such a

person's mind. He has never stopped mentally to digest the proportions or the relations of the facts, or the suggested conditions or implied consequences embodied in the figures. Just as, to his mind, falling from a precipice of the height of 300 feet is sure death, and from the top of the wall of the Yosemite, with its 3,000 feet, is no more, the horror of 300 or 3,000 deaths is to his feelings much the same. A single fatal accident occurring under his eye is more shocking to him than reading a sketchy account in a newspaper of a thousand violent deaths in the antipodes. Large figures standing for indefinite ideas fail to stir his emotions deeply. Hence, when told that in American industries a certain number of thousands are killed in the course of a year, a reader of this description may dimly doubt that it is wholly true, or read with the impression that a year is a long span of measurement, or, in his skimming of points not touching himself and his concentration on points regarding his own interests, he may be in no mental state of receptivity as to the entire subject. Industrial risks may be far from his personal experiences. The enormous indictment of society contained in the abstract statistics passing before his perhaps inattentive eyes escapes his discernment.

But let us look for a moment at this deplorable matter of death and maiming in our industries in a light apart from its every-day presentation in

unmethodical print, as most of us see it. Let us suppose that in the course of the last twelve months, by a marvelous mastery of certain forces of nature through new mechanical devices, industrial production has received a ten-fold stimulus. Imagine, then, how the world would stand aghast if tomorrow morning the daily papers were to be taken up, as they would be to the extent of pages and pages, with an account of a frightful accident in New York City by which more than two thousand workingmen had lost their lives and more than twenty thousand had been badly injured—the occurrence due to forces operating the newly invented machinery to the full extent of its enormous power, and to the absence of protection to the workers against its complicated parts. The calamity would, indeed, “stagger humanity.” For a month, at least, harrowing particulars—as to the causes of the accident, its social effects, the experiences of the wounded, the sad plight of the families of the killed—would in word and picture continue to pack the columns of the press. But, imagine now the intense horror, the woe, the consternation throughout the country, and indeed all countries, if at the end of a month Chicago were to become the scene of a similar disaster, in which the loss in killed and wounded should equal that accompanying the accident in New York. Then, if in another month San Francisco were to telegraph the news of a like catastrophe in that city—

what would all civilized mankind begin saying? Would intelligent men any longer tolerate calling such an occurrence an "accident"? And if the horrid thing went on, now in one city and now in another, monthly for a year, would not the universal cry go up, "Stop this slaughter by any means possible, however costly to society!" Everywhere, in every church, club, business association, chamber of commerce, in every assemblage of men and women, for any social purpose, this recurrent destruction of men by the thousands, each event resembling in its bloodiness the most sickening battle-fields of history, would be denounced as a national infamy. Should any hypocrite refer to these frightful occurrences as "acts of God," he would be denounced as blasphemous. Should an apologist refer to them as "the natural price of our industrial pre-eminence," he would be told indignantly that life must be held sacred though industry should perish. Should it be clearly shown that the origin of much of the slaughter lay in causes for the most part easily removable—that, in fact, they had been actually done away with largely by other nations—sentiments of patriotism would promptly reinforce the instincts of humanity in our people. Every legislative body, every court, every public man speedily would be constrained to lend a hand in the reforms necessary to cut down to a minimum the risks in this respect to human life. No

doubt, too, the call would be general to alleviate, through appropriate methods of insurance, the suffering consequent upon whatever casualties, in spite of the best of human care, should thenceforth occur in our industries.

Now, what part does imagination play in this nightmare of a picture? It has merely focussed the actually distributed elements of time and place. Instead of the wonderful devices of the new mechanics having been suddenly applied within a year, they have been the gradual growth of a century. Instead of one concentrated mass accident a month in a particular city, thousands of separate accidents occur in the course of every month all over the United States.

What is more, the real number of killings and serious injuries outnumber by far the two thousand and the twenty thousand that we have set down for our imaginary monthly total. No one can present absolutely accurate statistics on this subject. Our government makes no census of the victims of accidents in industries. Statisticians disagree in estimating their number. There is no common agreement as to what degree of hurt to a workman should be termed "an injury." There is a border line of time between an outright fatality and a death after a period in which other causes than the accident may have supervened. But if we take the most moderate figures on the question we have those of Dr. Frederick L. Hoff-

man, of the Prudential Company, the specialty of which is working-class insurance, whose estimate is 30,000 to 35,000 fatal industrial accidents in the United States annually, while several other statisticians have estimated that the lowest number of persons injured at their work sufficiently to occasion an average loss of two weeks is at least 250,000 to 300,000. Thus the actual facts of industrial slaughter outrun by twenty per cent. or more what we have imagined. Yet there are estimates in print, from men qualified to form them, which are nearly double those here quoted.

Some comparisons may be drawn to show how the United States has stood still, or worse, in dealing with this national problem. For the twenty-one years 1888-1908, the proportion of railway employes killed outright in this country remained nearly constant at about a quarter of one per cent. each year. The proportion of injuries, however, increased. With the expansion of the industry the number should have about doubled, as a fact it quadrupled. For British railway employes, fatalities per 1,000 annually average seven-tenths of one per cent., for American, 2.41 per cent. For miners we have Europe, 1.45; United States, 3.60—in other words, for each 10,000 miners employed, Europe has 14 to 15 killed every year; the United States 36. In all the industries together, the proportion killed here is three times the number for any other country.

Compensation undeniably is followed by prevention. It is unnecessary to restate here in any detail the experiences on this point of Germany and Great Britain. They may be summed up in the words of Dr. Hoffman, who, pleading that "a most earnest effort should be made to profit by the industrial methods of European countries," says that "it should not be impossible to save at least one-third, and perhaps one half [of our total mortality], by intelligent and rational methods of factory inspection, legislation, and control." He further states that the non-fatal accidents, which he computes as numbering in all two millions annually, "not only involve a vast amount of human suffering and sorrow, but materially curtail the normal longevity among those exposed to the often needless risk of industrial casualties."

Not only have the two other great industrial countries of the world, England and Germany, shown us the way to prevent fully 50 per cent. of the average of our industrial killings and maimings, but they have carried compensation to a science sufficiently advanced to permit us to profit by their example. With us, in this matter, the main practical problems at present relate, first, to adapting the best foreign methods and practice to our dual system of government, and, second, to bringing compensation within constitutional limitations.

It has been far from enough in the United

States in this work of substituting compensation for traditional employers' liability, to shock and reshock the country with the startling facts of our delinquency. The task of exposition and protest, while it has been fulfilled sufficiently to stir to action groups of men of advanced opinions and patriotic and benevolent sentiments, seems to have failed to work the truth, at once disgraceful and terrible, into the very hearts and minds of the general masses, as must be done before our people fully realize the duty thereby imposed upon them. This stage of arousing public sentiment it seems to be necessary to go over again and again—by repetition of oft-printed statistics, by quotation of authorities on the subject, by turning the picture to every angle of fact and every angle of the imagination. To accumulate a proper momentum in favor of compensation, however, at the present stage in the progress of the movement, seems to be the least baffling part of the work. Support of the people is to be a certainty, some time, we may be assured, but what as to the law necessary to establish a system of uniform and general indemnity?

In Germany and England, procedure after conviction as to the social necessity of relieving the working-classes of the burden incident to industrial accidents was by an open road. Germany chose one method, England another. In Germany, State, employer, and employed contribute by pre-

scribed methods to the compensation funds of the industries. In England, employes make no direct payment, the employers generally acquitting themselves of their part of the duty by bringing into service the insurance companies. But in our country, except in a few States, it has not been made certain that the fundamental law is adaptable to either of these two methods or to any other yet proposed, if the relief of industry in general be contemplated. The actual problem of compensation in this country is how to obviate a decision by the Court of Appeals of New York, possibly to be followed in other States, rendered March 24, 1911, by which a tentative law affecting dangerous trades, passed the previous year, was declared to be unconstitutional. The court regarded the law as violating private right "by taking the property of one and giving it to another without due process of law." Here is not the place to try to argue down the long series of legal points made against the statute by the court in its opinion of ten thousand words. Nor can we dwell on the outcry of surprise and indignation which, when the court gave out its decision, went up throughout the land from all the social agencies promotive of the welfare of the masses. The court seemed to repudiate what in the light of accepted advanced teachings are imperative duties of the State toward the working-classes. Nor is it worth while here to do

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more than merely call attention to the fact that the New York law was the result of patient study, research, and labor on the part of representative committees of citizens, many of them accustomed to deal with matters of law and legislation. The court settled the question for New York in its way by its lights. To what extent its decision stands as precedent for courts in other States remains to be seen.

A proposition so to amend the New York constitution that it may authorize a compulsory compensation law has since been under consideration by the Legislature. Undoubtedly it is a fact that working-class opinion in the United States is at present strongly in favor of automatic compensation and opposed to its alternative, State insurance, as usually presented up to this time. The workers feel, first, that any compulsory payment by them for insurance would be a deduction from wages, and second, that their customary share in the risks and losses in any and all occupations have never obtained from society due consideration. In countless ways the health of the wage workers while they are at work is undermined and their lives shortened, and there is no indemnity. For all minor accidents, by which only a few days' work and pay are lost, no compensation can be forthcoming. No life-insurance can adequately reimburse the widow and orphan for the loss of the bread-winner. While on the

side of the employers there may come a financial loss of a small percentage through compensation, sure to be minimized and generalized by them through a system of insurance, on the side of the workman the injuries which do not disable him permanently, even when compensated up to any possible legal limit, may leave the individual a loser to the extent of an undermined constitution or displacement in his grade as a workman. Such considerations, which could be enlarged upon, lead the wage earners to assert that compensation is not justly a burden of labor.

That certain fictions of the present-day legal theories lingering in the statutes and judicial interpretations of the common law, regarding indemnity to workmen for injuries, are in time to be wholly displaced by living truths there can be little doubt. Those fictions had their origin in the facts of the old days of production on a small scale, with the employer a shopmate; we now live in the era of production on the trust scale, with the employer an impersonality. Times have changed; circumstances of employment have completely changed; the dicta of the law must consequently change with the facts. Exempting an employer from responsibility because an injury to an employe has been caused by the act of one out of perhaps twenty thousand fellow-workmen is clearly injustice. To blame an employe for alleged neglect of precautions against dangers of

which he could not be aware as existing in the maze of machinery in a huge workshop is sheer nonsense and cruelty. To say that the employe assumed the risks in an occupation which is to-day entirely made up of risks is mere empty talk. These decayed relics of the so-called wisdom of the law are of a certainty to be thrown aside. To the social conscience of today, as foundations for unjust dealings with employes, they are intolerable.

That workmen can on the average collect damages in only eleven cases in a hundred brought in the courts indicates the legal chicanery of counsel hairsplitting over antiquated notions, and not the prevalent American sense of fair dealing. What an exhibition of squandering energy and money is made in the hundred million dollars paid by employers in the eleven years 1894-1905 as premiums to liability insurance companies, of which only 43 per cent. was awarded to injured workmen, to be further diminished by a large percentage through costs and attorneys' fees. The trial of liability cases in the courts is a national burden. Governor Hadley of Missouri has asserted that the taxes going to the support of the judges engaged upon them form a sum greater than the total recovered by the injured workmen. The president of the Travelers' Insurance Company says that more than one-half the time of the courts is taken up in settling con-

troversies between employers and employed. Systematic compensation would wipe out this social waste.

The New York Commission which reported favorably the bill which as a law was subsequently killed by the Court of Appeals, thus summarized the reasons for proposing to rescind the present laws relating to liability for accidents and substitute compensation:

"1—The present system in New York rests on a basis that is economically unwise and unfair; in operation it is wasteful, uncertain, and productive of antagonisms between workmen and employers.

"2—It is satisfactory to none and tolerable only to those employers and workmen who practically disregard their legal rights and obligations and fairly share the burden of accidents in industries.

"3—The evils of the system are most marked in hazardous employments, where the trade risk is high and serious accidents frequent.

"4—As a matter of fact, workmen in the dangerous trades do not, and practically cannot, provide for themselves adequate accident insurance, and therefore the burden of serious accidents falls on the workmen least able to bear it, and brings many of them and their families to want."

Within the last four years, after official investigation of the subject, either through special commissions or committees of the legislatures, a number of our States, including most of those

in the lead in industry, have, by what amount to tentative laws, considered and set up one form or another of either direct compensation or State insurance, usually, however, of very restricted application. Compensation laws, in most instances elective, have been passed in California, Kansas, New Hampshire, New Jersey, New York (decided to be unconstitutional), Wisconsin, Illinois, Maryland, Montana, Ohio, Massachusetts, Nevada, Michigan, Arizona, Rhode Island, and Washington. In California and Wisconsin the compensation laws are compulsory as to workmen for the State and the municipalities. Iowa, Pennsylvania, North Dakota, Connecticut, Delaware, Colorado, Nebraska, West Virginia, and Texas have commissions studying the question. There is considerable variation in the provisions of the laws as passed. By most of them only "hazardous" or "dangerous" occupations are affected. A uniform law for all the States, proposed in a draft for compulsory compensation in dangerous occupations, has been prepared by the American Federation of Labor. Another submitted by the National Civic Federation, contains unessential differences on points of phraseology and provision. A draft has also been issued for "Compulsory State insurance if practical, otherwise compulsory compensation," by what is known as the "Chicago Conference," in which the American Association for Labor Legislation

was a prime mover, and the American Bar Association has declared in favor of the enactment of "uniform laws for compensation for industrial accidents" by "all the States and by the United States within its jurisdiction."

Space permits of no discussion here of the merits of these various laws and bills. Difficulties in the whole problem are suggested by their variety and their inapplicability to industry in general. The steps thus far made in the different States taking action, and the failure of the other States to take any action, together with the divergences in principles, methods, application, and possible effectiveness of the laws adopted, all leave the situation far from satisfactory.

Among other propositions before the country, there is one for a Federal insurance tax, to be collected and disbursed by mutual associations, divided by trades, as in Germany. The iron and steel trades, for example, would by this method have employers and employes in one association, paying each year a tax equaling what would be necessary to meet the benefits, plus a reasonable amount for reserve, continuously, as long as liability lasts, and during widowhood of wives and orphanage of children. Among the supporters of this system are lawyers and insurance men who assert their belief in its constitutionality. It would fall under that provision of the Federal constitution which authorizes the collection of

taxes "to promote the general welfare." This proposition is worthy of serious consideration. Its advocates affirm that it is framed on a study of the results to date of the German system. There is pending in Congress a bill establishing compensation for workmen employed on interstate railroads. This bill was recommended as a result of exhaustive investigation made by a Federal commission.

Meantime, while the States are proceeding separately, tentatively, and in uncertainty, the United States remains, for example, the only industrial nation on earth that maintains, as it does in perhaps 90 per cent. of its accident cases, the old system of liability based on negligence!

Our wage earners in general hold that industry should bear the burden of the pecuniary loss sustained by workmen through industrial accidents. Associated with many men of altruistic character who are not wage workers, representative labor men are discussing the subject, their expectation being that finally a law, or a set of laws, will be evolved which will constitutionally afford to the victims of industrial accidents, or in case of death their dependent survivors, if not automatic compensation without cost, a system of insurance yielding all the benefits of such compensation and adding nothing to the burdens of the wage earners. Every good citizen would naturally de-

sire to see the United States removed from the unenviable position it holds among the nations in this respect today. The task ought not to be beyond American ingenuity and statesmanship.

CHAPTER IV.

THE WAGE EARNERS AND INDUSTRIAL EFFICIENCY.

“Efficiency,” within the last year or two, has had “its day in court.” Rather, it has been made one of those sensational topics which from time to time get a hearing in that big forum of the American press to which, while the discussion is novel, are admitted pleaders pro and con. Whether the live subject in the public eye relates to politics, economics, ethics, or mechanics, the spectators (the great public) take up with it awhile, permit the orators to have their say on it, and then turn their attention to the next “film.” However, with respect to any one of the causes thus brought forward, there is usually a part of the great mass directly interested. This, a group of itself, continues to study its particular subject after the first flurry over it, and, subdividing in the debate, sets to work the one section to promote and the other to defeat an advance of the disputed idea. Finally, society adopts the idea or its principle, in part or as a whole, in accordance with what in it is sound and useful, or else, persisting in looking upon it as a dead issue, or a past fashion, stands impervious.

“Efficiency” has quickly dropped off quite to the limits of group discussion. Already the body

of spectators in the big auditorium demand for the arena fresh thrillers, new voices, novel acts, or show themselves eager for a sight of the grand old gladiators performing time-honored plays, especially the political.

But, for its brief hour, "Efficiency" had a great run. It was unexpectedly set out on the stage in the national coliseum in a single day. A very distinguished and amiable lover of mankind, who temporarily obtained place at the megaphone, proclaimed that he knew how the nation could save a million dollars a day in but one branch of its multifarious concerns. That startling announcement was sufficient to cause the mighty audience to demand a demonstration. It is true, a goodly number of the spectators had already seen the unexpectedly heralded industrial playlet in a freak side-show, were familiar with its exaggerations on the boards, and more than suspected its true purpose. In its "try-out" on a large scale, which followed, its original managers were joined by many volunteer coadjutors, not wholly welcome to them, not recognized by them as staunchly orthodox, and who, perhaps, distorted their plot or misapplied or magnified its moral.

Quite within the expectations of reason, the great public soon had before it volumes of propositions to re-form, re-adjust, and re-lubricate the wheels which run any and all of our social institutions—the law-making mills, the courts, the

professions, the administrations of city, State, and nation. Before long, little old-fashioned points in efficiency gave way before comprehensive theories for attaining universal perfection. What was mere shop management to the readjustment of all the systems of construction and transportation? What was mere good housekeeping to the science of city planning? What petty individual thrift to collective co-operation? What ordinary parental duties to race-elevating eugenics?

It was thus the fate of pure and simple "efficiency" to be swamped in a stream of fact and fiction itself had started running. When Mr. Stimson, chief engineer of the Universal Audit Company of New York, before a Congressional committee investigating the subject, slightly referred to "the Taylor system" of scientific management as "only one little bit of detail" of "the whole subject of industrial efficiency," the country apparently deemed him hardly any more absurd than Mr. Taylor. When Mr. Brandeis, speaking to the great captains of the railway interests, told them he had experts at command willing to show them, in their inexpertness, the way to save yearly hundreds of millions, the small subject of shop economics dropped down beyond the horizon. When efficiency engineers—in business as individuals, firms, and corporations—started up all over the land, with suggestions

for legerdemain in every mode of human procedure, the voluminous extolling of Mr. Taylor and his system of "scientific management" by his "write-up" journalists seemed a waste of printer's ink.

Certainly it is true that at many points our civilization is but half-baked. Nothing, yet, goes just right. Perfection is far off. Draw close to any one of the professions—teaching, for instance—and you find a confusion of critics' voices crying chaos. Medicine has a dozen variant schools; surely most of them must teach more or less of error. Supreme courts divide—five to four. As for religion, let us here maintain a respectful silence. It is to be granted, measurement of inaccuracies, of method or movement, in these spheres cannot be taken with geometrical precision. Nevertheless, when efficiency is the theme, unbiased inquirers are warranted in objecting to being shown only the comparatively small area in which the stop-watch is the supreme test. Especially is the wage worker justified in calling out to the audience that it is unfair that "efficiency" should select him as the one horrible example while sinners in so many other social categories must be worse than he, since he, of all others, truly is a worker, the one performing the tasks essential to society.

Now, that's the point in the wage worker's objection to Mr. Taylor's playlet, "Efficiency." In

its scenes Mr. Taylor has made his caricature of the workingman the villain, has the limelight full upon him without cease, and, professing for him a saintly benevolence, has the other leading character, Big Capital, sweat him, cheat him, deceive him, and on the whole exploit his time, his muscles, his nerves, his whole bodily mechanism inhumanly. The real workingman, in the audience, resents the falsification of his character. He thinks it fair that the limelight should be turned on the other classes of men engaged in manufacture, business, commerce, or in any social rôle whatever, and the stop-watch or the microscope used on them. Let them be seen publicly, in full, just as they are, their demerits unexaggerated. The wage earner believes he would issue from such a "try-out," level with the best.

The wage earner, as the most deeply interested man in the industrial group engaged in discussing Mr. Taylor's "Efficiency," with its Emerson-Gantt-Gilbreth & Co. additions and corrections, is prepared to submit to the public some views of his own regarding its alleged facts and undoubted teachings. These views may thus be summarized: It is libelously untrue that "soldiering" to anything like the extent described by Mr. Taylor, is characteristic of American workmen. There is no available statistical basis for the statement that 50,000 employes are today working under the Taylor scheme. The system is not rapidly

spreading; it has been dropped in some large works where it was once in practice. Its use in government arsenals has been in large measure condemned by a Congressional commission, after careful investigation. It has, where tried, been far from a uniform success. In no case has there been more than a half-truth in the statement made by its promoters that "the system raises wages." The higher wages to be earned by the small proportion of workmen speeded up to its requirements are inevitably subject eventually to that law of economics by which competition in an over-stocked market lowers prices; hence the persistent professions of the promoters of efficiency, that they intend to raise wages, must count as naught. What it has done, as to wages, has been to raise them temporarily for a small proportion of a force and lower them for mechanics in general, while depriving a portion, through unemployment, of any wage at all. The system undoubtedly found origin in socially unreputable sources—the Midvale and Bethlehem companies. It is rarely, if ever, practicable in small shops. Its applications are chiefly to be found in connection with operations which are uniform and repeated indefinitely, and together represent but a few simple phases of the machinist's trade, which is characterized by a multiplicity of practical problems involving intricate movements. Efficiency—scientific management—as a compre-

hensive industrial and social proposition has been absurdly overtrumpeted, Mr. Taylor's own claims frequently being the basis. It obviously is inapplicable to most of the work measured only by time, the unit in a large percentage of all industry and other service. It is not a fact, as its supporters assert, that efficiency has proceeded without occasioning strikes. It is a fact that efficiency is interwoven with the piece and bonus and contract and fining systems, with their burdens and abuses.

Let us review this summary and cite facts bearing upon its points. As to the industrial disease of "soldiering," Mr. Taylor, writing of the Midvale works, says: "The workmen together had carefully planned just how fast each job should be done, and they had set a pace for each machine, which amounted to about one-third of a good day's work." In his edition of "Shop Management," Mr. Taylor writes of "most of the men in the shop" that they "will 'soldier' " to the extent of three or four hundred per cent. if allowed to do so. This charge against the American workingman, it is to be clearly understood, is the starting point of Mr. Taylor's system. He depicts, in a vivid coloring, a sort of detestable cancer, with intent to follow up his diagnosis with his cure-all. He thus presents to us the played-out methods of the magic soap advertiser. His exaggerations are apparent to all employers and

employes of average experience; as they must be also to all persons of common sense. As a matter of fact, if a force of workmen should loaf away only one-half their time, it would pay to employ one supervising taskmaster to every three men, to do nothing but watch that the workers each should do a fair day's work. This indictment of the wage-earning classes by Mr. Taylor has been demonstrated by Mr. Gompers to be a stupid libel. Its complete refutation being of the first importance, Mr. Gompers' treatment of the point is here quoted.

"It would offend the common sense of even the casual observer to maintain that piecework rates usually lead to 'soldiering.' It is the universal testimony of men who have earned their wages at piecework that the tendency to speeding up comes from the man himself. He wants the highest amount of wages possible on Saturday night. Now, what proportion of the wage earners in this nation are engaged in piecework? Here is a list of occupations in which it is more or less common:

"Bakers, barbers, blacksmiths, boilermakers, bookbinders, boot and shoe workers, broom and whisk makers, brushmakers, car workers, chain-makers, cigarmakers, cloth hat and cap makers, coopers, lace curtain operatives, watch case engravers, fur workers, garment workers, glass bottle blowers, glove workers, pocket knife blade grinders and finishers, table knife grinders, hatters, iron, steel, and tin workers; jewelry workers, lathers, leather workers, lithographic pressfeeders, longshoremen, metal polishers, coal and metalliferous miners, molders, plate printers, pot-

ters; pulp, sulphite, and paper mill workers; shingle weavers, stove mounters, tailors, textile workers, tin workers, printers, upholsterers, elastic goring weavers, wire weavers, wood workers, and other minor callings too numerous to mention.

“When this list is studied, the reader sees at once a direct contradiction in this considerable proportion of industry of Doctor Taylor’s assertion as to the extent of the plague of ‘soldiering’ or deliberate inefficiency.

“What as to the large class of occupations which move by time-table? Take as an example the passenger trains or the electric street-car systems throughout the United States. We have in view in this category many other occupations, including elevator running, all forms of police work, the officials great and small engaged in steamship transportation. In the same class fall cooks, waiters, hotel and restaurant help in general. In fact, we have, further, actors, stationary engineers and firemen, musicians, postoffice clerks, carriers, telegraphers, salesmen, and many stage employes. Is it possible for men in these occupations to deliver a third of a day’s work for a full day’s work?

“Another classification is of wage earners on timework whose output may be measured. Among these, as examples, are bakery and confectionery workers, barbers, bill posters, blacksmiths, boot and shoe workers, garment cutters, bottle blowers, glove workers, hatters, much work done by lithographers and printers, especially those in the composing-room.”

If "soldiering" were as common as Mr. Taylor describes it, his thirty years of crusading against it might reasonably have brought five million wage earners under his system. He claims fifty thousand. Former president James O'Connell, International Association of Machinists, testifying before the Congressional committee of inquiry on the subject, said that at the Watertown Arsenal, where the system had been in use for a couple of years, it had only reached a very small percentage of the employes, but he supposed it would be claimed that all were under the Taylor system; possibly by this method of calculation the total of fifty thousand had been made out. Mr. Taylor's book gives no census of his forced converts or list of the places where they work. So far as may be judged by press accounts, Mr. Taylor's list is suffering losses. Of his system, James J. Hill said: "It is all rot; it has cost the Santa Fé Railroad a million dollars to try it, and they have abandoned it." Machinist delegates told the Congressional committee that it had been given up by the American Locomotive Company and—"most unkindest cut of all"—the Bethlehem Steel Company, favorite scene of the "efficiency engineers'" earlier stop-watch performances.

Newspaper readers are becoming familiar with strikes against the system. The Rock Island Arsenal men struck through the means safest to

government employes; they tackled Congress about it. A division of the Watertown employes walked out. At the Philadelphia plant of the Keystone Watch Case Company nearly 200 unorganized men struck against the stop-watch system. The American wage earner may gain the impression that he has been already rushed quite to the reasonable limit when he contemplates the usual reference-book table of the comparative annual productivity of workmen. It runs:

American -----	\$2,450
Canadian -----	1,455
Australian -----	900
French -----	640
English -----	556
German -----	460

As to raising wages, two points come in view.

(1) To what extent has "efficiency" raised wages? (2) Have its advocates any warrant in prophesying that the wage workers accepting it will not have their wages lowered? Here are plain, undeniable facts which bear on both these points: In all the stock examples of the efficiency program the survivors of the original force have obtained, as alleged, for the time being, an increase. But the helpers, the performers of the preliminary motions dropped from the high-priced workman's routine, the "handy men" who are substitutes for mechanics qualified for the

trade, all take only the wage of the unskilled labor market. We find in the index to Mr. Taylor's book no reference to his admission (page 82) of a reduction in the wages of stop-watch lathe men at "the beginning of the recent fall in the scale of wages throughout the country." Here is a clear concession to the law of competition which reduces wages in an overstocked labor market. And since Mr. Taylor does not fail to point out that a logical result of his system is the destruction of the trade union, what power is to stand against reductions in wages, down to the lowest level at which stop-watch workmen may be hired in dull times by that portion of unscrupulous and greedy employers which exists in all branches of industry?

An imminent cause of a break-down in applied stop-watch, high tension, piecework efficiency lies in the graft its "differential rate" opens up for the employer on the employe. The highest limit of a machine and its human operator being ascertained, to be entitled to the bonus above the flat wage, this high point or one closely approaching it must be reached and maintained by all employes engaged in the same class of work. When the stint is not reached and only the flat wage consequently paid, the result may be a confiscation by the employer of the production above the usual fair day's quantity. Hear Mr. Taylor on this point: "With the differential rate, if for

any reason he [the workman] fails to do his full task, he not only loses the large extra premium which is paid for complete success, but in addition he suffers the direct loss of the piece price for each piece by which he falls short." Now, it is easy for the work to "run bad," making it impossible for the operative to attain the high limit. This is the case in the textile industry, as found on investigation by the trade union. Metal workers find in the variable degree of hardness of the material a factor which baffles records. Weather counts both ways in out-door work. In all such cases, who is to decide for or against the worker who may attribute his shortage of output to causes beyond his control? With no trade union, many abuses could be practiced with little effective opposition.

The prospect of what may come about through the introduction of this system brings to the shop worker's mind unpleasant recollections of what he has seen taking place under driving foremen and selfish employers. For example, there is Mr. Taylor's own limited view of the moralities, the social and patriotic objects, the human influences possible to shop work—an edifying conception, given in these words: "All employes should bear in mind that each shop exists first, last, and all the time for the purpose of paying dividends to its owners." Why, then, in employing labor or in any other transaction should the employer stop short

of anything that will not send him to jail? Or, again there are the views of President Harrah, of the Midvale Company, as expressed before the Committee on Labor of the House of Representatives in 1900: "We have the most improved kind of machinery now; but we make it a rule to run a machine to break." "We have absolutely no regard for machinery or for men." Or, again, there was the Triangle Waist Factory, with its speeded-up sewing machines, the operators' back to back in rows with hardly room to move, the operating room doors locked, insufficient exits, systems of fines—every point considered and calculated to bring dividends. Every point, except the shop afire.

Intensely unpleasant to the real workingman is the caricature of the workingman brought out on the stage in the first scene of "Efficiency"—a loafer, studying how to avoid fulfilling his obligations with an employer. Almost equally disagreeable is Mr. Taylor's ideal of a workman as presented in the final scenes of his work—a human automaton, in the social status of a convict. Nor has Mr. Taylor been at all successful with the other leading character of his playlet—the employer. He brings him on the boards in too many disguises—as Benevolence, increasing wages—as Science, working wonders in the stage properties of bonus, piecework, and stint; as Political Economy saving the nation a lot of work—all these,

only to let this hero take down his mask in the last act and show himself, barefaced, as plain Dividend Hunter.

As to the extent to which the practice of efficiency may unsettle trade unionism, in the present subdivision of trades and the varying levels of skilled and unskilled labor, the wage workers hardly need to be overanxious. It takes two to five years, according to Mr. Taylor, to get appreciable returns from his system, and then it may tumble to pieces, like a house of cards, as it seems to have done at Bethlehem. Some branches of efficiency, such as the bricklaying, require such a considerable pyramid of a force, with assistants at stage after stage in the work, that it may long continue most profitable to depend on just bricklayers to do the run of ordinary jobs. In the trade of the machinist it can hardly be possible to abolish from use an amount of skill and technical knowledge that forms one of the elements of the wealth of our country, simply by turning over to laborers certain movements that take endless repetition. Nor are our well-laid plans for industrial education to be undone in a day by the stopwatch.

CHAPTER V.

THE WAGE-EARNERS AND THE JUDICIARY.

To "respect the courts" is an admonitory call so often made on the workingman that he has formulated for general consideration a counter-call. He cannot condense it in another three words. His ~~response to the implied criticism~~ addressed him might properly begin with some inquiry as to what class in society habitually shows more respect than his own for the judiciary as an institution. Do the politicians, for instance? Do the "captains of industry"? He believes that in their sphere judges ought to be experts and accordingly appreciated. He understands that order, that prime essential to society, depends largely on obedience to the bench. He knows that as the law is, so society is and vice versa, and that accordingly as the law is well or badly administered so much the better or the worse for all classes, including the wage workers. To these familiar commonplace generalities he assents, without argument.

But, is it the duty of the workingman so to reverence the courts that he should regard their decisions as above the range of his discussion? Should he maintain and express no judgment of his own on his constitutional or inherent rights?

Queries such as these might appear absurd were it not that inexperienced persons often make a show of indignation when told that the decision of any court is to be opposed. "Why did you not obey the court and so avoid making yourself liable to a jail sentence?" was in substance asked by a woman in an audience which had been addressed by me on some phases of labor's rights. Apparently she regarded questioning any court's conclusions as disobedience to the law or at least evidence of a lawless spirit. She had given no weight to the one important fact that an appeal through legal form is a justifiable opposition to a court possibly in error. She had not understood that contesting a lower court's decision clear up to the highest court, especially in a case involving a constitutional right, or a legal point not fully settled, might be a patriotic duty.

To a considerable extent, ignorance, akin to this woman's, is the foundation of a more or less general impression, which organized labor's critics would have stand for public opinion, that the American workingman is "against the courts," is in fact in the habit of denouncing and disobeying them.

What is true in this charge is that the organized working-classes are of necessity at the present time obliged to direct the attention of the country to what they believe are errors or shortcomings in certain proceedings of law courts with re-

gard to labor questions which are unsettled and which, it now seems, can only be settled through a social process involving several stages. These questions require first to be discussed publicly. Their reply will involve defining the limits within which courts may act; courts are not to encroach on rights of the citizen which will be clearly established, and they are to be assigned their unquestionably proper place relative to the lawmaking and executive departments of our government. One important result of this process will be that in their judgments the courts will apply principles of human rights which today are accepted by the enlightened majority, not only of this country, but all civilized countries.

The first of these questions is the matter of discussing the fallibility of the courts themselves, as especially shown in the inconsistency of their findings on the problems incident to the development of our new industrial society. Certain points in this primary inquiry are now up before the country in urgent form. Is there a tendency among our judges to lag behind general progress in the acceptance of certain principles of sociology true in the opinion of nearly all men whose daily experiences or studies bring before their minds the social effects of the new industrial conditions? Are those "rights of persons," made obvious to the working-class by the facts of life as they now are, accorded in the courts equal consideration

with the "rights of things," as established generations ago, when the worker was little more than a dumb and dependent chattel? On this point, the most conspicuous facts as regards the courts cannot be dwelt upon too emphatically. In deciding cases involving labor's claims, a judge has before him in every instance two practically contradictory sets of precedents. He may give primary importance and preponderant weight to the precedents immediately affecting human rights, the personal rights which lie in the category that principally concerns the masses; or he may take the contrary view, from another chain of precedents that legal rights are for the most part concretely represented in property. In *Man vs. The Dollar*, the judge, guided by a line of legally valid precedents, may be inclined to award judgment to a substance, property, in contradistinction to what may seem to him to be comparatively a shadow, namely, rights disassociated from material possessions.

When the wage worker, in arguing to society his cause relative to the courts, has established the fact of the fallibility of judges and of the reasonableness of his query as to a tendency existing among them to follow the precedents which in his opinion stand as obstacles to the just protection of the lives and the rights of the masses of men, he is next prepared to state definitely what he holds certain of these rights to be. As a good and

worthy citizen, he is ready to contend for such rights—in the courts, in the public forum, and at the polls. He has been taught that a right worth having is worth fighting for, and that a right neglected must be brought forward by the man who ought to possess and exercise it. In conducting this struggle the wage earner surely is guilty of no impropriety in pointing out where, in his opinion, judges have ignored his rights, and where their action has been a violation of the fundamental principles of our republic. Moreover, certain of these rights are today pressing for an immediate and definite recognition. One of them is, the wage earner's right of exercising free speech and of maintaining a free press, and in regard to these is to be defined the just limit of a court's interference with a citizen's utterances, in spoken or printed word. Very important practical questions next follow closely. What are the constitutional limits to a court injunction in labor disputes? What act relative to an order from the bench constitutes a contempt of court? Is the wage worker to exercise freely his right to dispose of his labor as he wills? Is he to exercise his right to control his purchasing power as he wills? How far may he go in inducing another wage earner to join him in an action which in his judgment promotes benefits to both? What are a union man's rights on the highway? May an organization of wage earners refuse to work with

men objectionable to them? Is it a crime for a group of men to do that which it is legal for one of their number to do? How long is the bench to be free to play off the always dubious principle of "freedom of contract" against the manifest and imperative principle of "the general welfare," to the destruction of many forms of just protection of the men, women and children engaged in industry? Until these questions are answered authoritatively, once and for all, organized labor will be the prey of combined enemies having as instruments shrewd counsel under fee and as legal agencies courts who place in the way of labor whatever barriers can be formed out of the vestiges of the legal compulsion which held sway when labor was hardly above the status of serfdom.

For the wage worker to hold that courts are fallible, and to keep the fact well forward in contending for what he regards as his rights, so far from manifesting disrespect, is merely acting upon what has been taught him by the State in establishing a system of checks in the hierarchy of courts as well as by the constantly differing opinions of judges themselves. The gradations of courts, the higher possessing revisionary powers over the lower, result in exhibiting error in a large percentage of the lower courts' decisions, or at least differences in the practical effect of their conclusions as compared with those of the courts above them. Majority rule on a divided bench

indicates fallibility in one of the parties to the division, and in the course of a session of a court of several members each may find himself in the minority on one or more decisions, in which case he is entitled to regard the majority as fallible. To organized labor, bringing to the courts questions springing from modernized industry, the judges have furnished continual illustrations of inadaptability either to one another's views or to prevailing public opinion. Their decisions on these questions have also shown their tendencies as disputants to place an emphasis on either one or the other amid conflicting principles. The series of results of the split-up of the Court of Appeals of New York in 1904 in finding, by a vote of four to one, that the eight-hour act passed in that State in 1897 was unconstitutional, was from several points of view worth a law-college education to the labor men of the country. Two members of the court regarded the act as an interference by the Legislature with a right of the municipality, and therefore unconstitutional. Two others, to whose minds it deprived an individual of property without due process of law, also found it unconstitutional. But the fifth judge, accepting it as a police regulation in the interest of public health and morality, maintained that it was constitutional. Judicial confusion leaving the matter in this shape, the people of the State took it up and by the aid of a judge-proof constitutional amend-

ment passed an eight-hour act, the terms of which tallied with provisions the United States Supreme Court had declared valid in the Kansas eight-hour law.

On the likelihood of judges varying in their views of elementary legal principles, one or the other of which by this time ought to be an established basis of our public policy, the judicial course on the New York ten-hour bakery act is witness. By a vote of four to three, the State Court of Appeals held that the statute was a proper exercise of the police power and therefore constitutional. But in the United States Supreme Court five judges to four held the law to be unconstitutional on the ground that it attempted an arbitrary interference with the freedom of contract.

The gist of the lesson to the wage earner in these various decisions is that the principles of the law which may be invoked in regard to such statutes are but few and easily understood, while each is an instrument to be grasped and employed with a desired effect by interested litigants.

Not only does one see plainly in these typical cases that judges are fallible, but also that they may be swayed by personal associations and inclinations. That being the fact, the aspirations for justice of the wage-working masses may be sufficient motive and warrant in endeavoring to establish their own views of justice.

Their opponents may reasonably set out to demonstrate that the principles of a law which the wage earners propose cannot be aligned with reason and justice, that the law would lead to heavier burdens on society, or that under it the wage-earners themselves would be the chief sufferers. But to charge the wage earners with disrespect for the judiciary because they criticise, even in severe terms, the views held by certain judges is diverting attention from the essential subject to an incidental point. It is begging the question. The wage earner may pertinently call attention to the fact, recorded in Bigelow's "Overruled Cases," that as far back as 1873 the appellate courts had overruled nearly ten thousand of their own decisions. Yet he could still respect the courts, accordingly.

Impervious to any superstition that there are principles in law or government which he may not presume to discuss, as may other laymen, the wage worker is prepared to assert his rights to free speech and a free press. To bring comment on this principle at once to a concrete point, reference may be made to the opinion regarding it officially rendered by Chief Justice Shepard, of the Supreme Court, District of Columbia. Referring to the constitutional inhibition of any abridgment of the freedom of speech or the press, Justice Shepard said from the bench, with regard to an injunction order issued by a lower court of

the District, that acts of publication by the defendants which violated parts of the lower court's decree exceeding its constitutional powers were not causes for legal penalties. He quoted Justice Miller, of the United States Supreme Court, as deciding that a decree punishing a man for contempt of court because he refused to comply with an order which the court had no authority to make, was void. Now, organized labor men have learned that in injunctions issued against them there may be, not only quite a list of acts forbidden them which were already illegal and which they had no intention of committing, but also a number of acts which they are confident a reviewing court will declare legal, which, indeed, courts have repeatedly recognized as legal, and in such case the labor men stand firmly on their rights as they know them, and to that extent, driven to an extremity, they may disobey a court's orders. When a labor official, defending as in duty bound the rights of the members of his organization as citizens, makes the declaration that if a court should enjoin him from doing something he had a legal, constitutional, and moral right to do, he would violate the injunction, he is actually upholding the law and showing his regard for what is to be the final action of the higher courts. When he declares before the country that he will utter his deliberate and conscientious thought, through speech or in print, he is positive he is within his constitutional right. He

has legal opinions in fortifying numbers to the effect that no court can forbid his uttering his thoughts, though naturally he expects to abide by the consequences of his speaking or publishing in so doing. He pits his conception of a fundamental social principle against that of the lower courts, confident that the judgment of the higher courts, and certain that the judgment of time, will be on his side.

Organized labor asks this country today to lay down the limitations of the courts in the matter of injunctions in labor disputes. It wishes to know where it stands with regard to points continually coming up in judicial injunctions. It wants to get rid of the burden of going up again and again to the higher courts to have inhibitions eliminated from injunctions that have been repeatedly adjudged as beyond the powers of courts to issue. Labor officials nowadays on reading a fresh injunction, probably drawn up by an employer's attorney and merely signed by the judge, can themselves blue-pencil off the clauses which a higher court will declare null and void. But meantime, during a formal hearing or appeal, labor will have lost its rightful position in the impending dispute. Its opponents will have enjoyed the unfair advantage of using a court as their aid. To organized labor, the imperfections in court work, only some of which have been referred to, form a greater obstacle to reaching industrial peace than

the strength of the union's opponents in disputes. If the employers defeat a strike, the union sees the cause of its set-back to be in the labor market or in its own defects, or other obvious cause which time may remedy. But if the courts defeat a strike, the employers gain only a respite and both the employes engaged and their fellow-unionists are embittered. Eventually they become stronger in unionism, less disposed to friendly overtures, and often they turn their attention mainly to forms of radical relief.

Usually labor obeys injunctions. Of forty-six issued in Massachusetts in eleven years in labor cases, in nine instances only was there disobedience, and in only one of these by persons named in the injunction. But this is not the point on which pertinent argument today turns. It is only since 1890 that courts in equity have by means of injunctions been so encroaching on theretofore recognized rights of labor that the necessity has arisen to make clear the rightful limits of the powers of judges so acting. Contemporaneously with agitation and inquiry in this respect, other legal disqualifications of labor in the United States have perforce engaged the attention and enlisted the reformatory efforts of organized workmen. Consequently the wage earners are urgently asking questions of the courts and the law-givers. If Great Britain can so arrange that trade union funds are protected from legalized

raids in consequence of labor disputes, it seems reasonable to look for similar protection in our country. If picketing during a lock-out or a strike is recognized as legal by the United States Supreme Court, it might be grounds for prohibiting a city council from passing an ordinance forbidding it. If the men of conspicuous legal capabilities who compose the Judiciary Committee of the national House of Representatives can frame a bill defining conspiracy and taking away from the courts the power to issue injunctions against unions acting by orderly methods in furtherance of a labor dispute, why cannot such a bill become a law and be observed by the courts? If compensation to workmen for injuries sustained in the course of employment can be adopted as an industrial principle by the other great nations of the earth, it is a strange commentary on our national intellectual status if our people tolerate legal obstacles to its enforcement here. If organizers of the proletariat, preaching doctrines subversive of its government, can hold meetings everywhere in the German Empire, it ought to be made a certainty that our trade union organizers, teaching principles strictly in accordance with the constitution and the laws of this country, could not be ordered out of Pennsylvania or West Virginia mining or iron manufacturing districts by sheriffs or constables. If laws limiting the hours of labor for

women are held to be constitutional in one State, it ought to be taken for granted—though it cannot—that similar laws should be constitutional in other States. Now, on all the points thus brought under our observation, the demand arises for the establishment of foundation principles in the statutes, to be consistently observed and uniformly administered by the public officials. Who can rightly blame labor for decrying the defects of the laws that fail to extend to it the protection given in other countries? Is there any reasonable basis for wonder that labor entertains projects of itself directly influencing the law through its votes?

Labor is not listening to the voice of anarchy. It would replace the present anarchy by stable laws. For better or worse, it would have the questions affecting labor which will not down, and which have baffled our legislatures and our courts, answered definitely, one way or another. for or against labor's convictions.

The bench in America has been the last institution to awaken to the greatest of all modern problems. To indicate how the attitude of the courts with respect to this problem is regarded by the leaders of a most conservative movement, this excerpt from an editorial in "The Survey" may aid:

"Those who feel that they have a grievance against the courts because of their attitude on so-

cial and economic questions may choose among several lines of action. One is to educate the judges on the particular questions in which they are interested. Another is to seek, through the recall and similar means, to keep the courts in harmony with public sentiment. Still another is to remove from the courts the power to interpret statutes and to determine their constitutionality, leaving the former function to some administrative department, and the latter, as in England, to the legislature.”

When consideration of such sentiments and such propositions is seriously given in a magazine of foremost standing in the circles whose first aim is to systematize and give the highest efficiency to the philanthropic impulses of the community, rather than to economic readjustment, it serves to show that intelligent opinion among those intimately acquainted with needs affecting the deprived classes is, not that fault is to be found with organized labor, but that general disappointment has been caused through the backwardness and, in prominent cases, perversity of the courts.

It can never be overlooked by labor that the struggle in which it is engaged to obtain a full exercise of its rights is one running through the ages and yet but in part completed. Every step of its progress has been disputed by power entrenched, not only in privilege but in the law, as pronounced by the courts. Almost invariably

judges have personified the dominant social force of the time. In this country, the hope is not in vain, the final power is to be in its educated masses, enlightened as to common rights, faithful to broad conceptions of justice, with law-making sufficiently pliable to advance with progressive social and economic conditions, and with courts and the people in mutual confidence.

CHAPTER VI.

THE WAGE EARNERS AND THE MINIMUM WAGE FOR WOMEN AND CHILDREN.

He is no imaginary figure in industry, the fair-minded employer. His influence has its weight with his fellow-capitalists, with labor organized or unorganized, and with the community in general, in times both of industrial peace and industrial disturbance. His appearance on the scene whenever he has an opportunity to express his views and a hope to attain a conscientious purpose is regularly looked forward to with certainty by experienced representatives of labor. He is at hand on occasions when employers are called on by employes to act like men. He may, it is true, in instances be over-sentimental, or animated with utopian ideals, or perhaps a shade biased through some form of partisanship. But he has shown himself active, it may be ventured, in all reform groups in every country. He has been welcomed, and given lead, in radical working-class political movements, especially in Europe. He has allied himself with reform associations, political or otherwise, in every community. Frequently, in America, with the national pride in practicability, he avows himself simply a business man, determined to act justly through policy, if from no

higher motive. The truth is that the spirit of antagonism toward injustice is aroused in him as it is in the sincere spokesman for labor, the mind and heart of either carrying the man above narrow, or class, considerations. The wage worker who has been chosen by his comrades as official defender of the rights of labor, himself performing his duties from honorable motives, recognizes and welcomes sincerity, candor, and humanity when shown on the employers' side. And why not expect these qualities thus to come into play? With positions reversed, either representative employer or delegated wage worker, hearkening to the promptings of his spirit, cannot avoid, finally, within himself, hearing both sides, weighing testimony, ranging himself with the right, and, if no more than secretly, giving assent to his real convictions. The wrench comes in permitting the inner man to speak out. It is one of the hopes of human nature that there are fair-minded employers who, rejecting the special pleading of their class counsel, and braving the dangers of mistakes, choose to err, if at all, through experiment in new forms of justice, or generosity, or good-will, rather than to fortify themselves behind inflexible law, vague and time-worn economic maxims, or the traditional advantages of wealth as against mere labor.

It is with the fair-minded employer that we can discuss with especial profit the more salient fea-

tures of this comparatively new question in the United States—minimum wages for women and children.

This employer, on his part, and we, on ours, are to avoid the tactics of bellicose controversialists. Should he on some points decide to differ with us we are not to affront him with opprobrious epithets. As we proceed to outline the moderate form of the minimum wage to which at present we give our support, he will not, we feel sure, in his considerateness, flout us as “trumpeting” a new-fangled economic philanthropy, as advocating “political cure-alls,” as making a general application in all trades and callings of minimum wage laws, or as “neglecting the injunctions of the catechism.”

First, then, for what state of things, and for whom, is the minimum wage proposed?

With this query arises before our soberest judgment the plaint of feeble, struggling poverty to society. Between the two extremes of the optimistic sociological expert's positive affirmation that “never in the history of the world was labor better off” and the pessimistic sociological expert's equally confident assertion that “the masses of the wage workers earn insufficient to maintain themselves above some form of pauperism,” many shades of opinion are entertained on the subject. But, not losing ourselves in sweeping generalities, can we not, in forming our

opinion, depend upon systematic investigations made in certain occupations by competent observers, whose recorded reports bear the impress of truth, and decide also that conditions in similar grades of labor, as testified to by other inquirers, cannot be very different?

Carefully made statements concerning the conditions of labor come to us in the "surveys" of life taken in industrial centres, in the census tables, in the summaries of special investigators in selected occupations, in the official reports of trade unions and labor bureaus, and undoubtedly on occasions of labor disputes in the newspaper and magazine articles written by trained observers required by their vigilant principals to give faithful reports of the events and conditions they have witnessed. We need not in these pages essay the task of detailed exposition of the generally accepted findings of these media of information with regard to certain categories of labor in America. If the many volumes in the "Report on Condition of Woman and Child Wage Earners in the United States," issued during the last three years, do not carry conviction that there is woful poverty and destitution in the ranks of these feeble workers, especially in the textile occupations, among laundry and garment workers, in the glass industry, and in the grade of stores and factories employing mostly the young or less capable classes of hands, the conclusion must be

that the reader is proof against truths to him unwelcome. The pitiful level to which the mode of living among unskilled and helpless wage workers must fall in certain occupations is to be plainly seen when, as expressed in the Massachusetts "Report of the Commission on Minimum Wage Boards," "the rate of wages depends to a large degree upon the personal equation of employers and upon the helplessness of their employes." It must be the desperate impoverishment of a whole class of workers that sends young boys to slate-picking at mines when the fact is known that "the average boy under sixteen years in a coal-breaker takes something over three times as much risk as the adult of losing his life." In 1911, thirty-eight boys and youths under age were killed by accident in the bituminous mines of Pennsylvania, and eighty-nine in the anthracite regions. So often have "home" workers in tenement districts of great cities been written up for the public, grown callous perhaps, that now, to prove that familiar abuses still exist, reproductions of photographs are printed with but a few lines of text—photographs of single-room "homes" where the whole family, down to five-year-old little ones, "break threads" for sewing machine operators, or "knot" artificial feathers, or sew the tops of the legs and arms of dolls, "forty-eight for five cents," or pick nuts, a mother and two daughters of six and eight years earning together at this

work three dollars a week. The mass strikes of recent years in the great cities have brought out startling testimony of the life-destroying privations of a considerable percentage of the working-class population engaged in the industries affected. When we have the broad pictures of poverty drawn upon our minds by these and similar significant data, it would be an unnecessary repetition here to set forth the categorical bases of our argument through a mass of classified particulars.

Employers in general to-day recognize the gravity-like tendency of wages to fall, especially in the sweated trades, which at times leads to strikes in the mass. Fair-minded employers, deploring it, show themselves willing to assist in obviating this tendency. They stand aside from the sort of capitalists who in their business seek only dividends. But they are handicapped by the continuity of the conditions of employment that especially manifest themselves in the persistency of this trend downward. The demoralizing procedure repeats itself despite attempts to arrest it definitely. A great strike in an underpaid occupation having to an extent succeeded, unscrupulous employers at the earliest opportunity begin testing the labor market to ascertain its points of weakness. They break the trade agreement in one or another of its provisions, their harassed employes reluctant to quarrel. Competition thus begun spreads in the industry in proportion to the inability of the union

to fight. In time, often after a brief period of equal wages, the baleful conditions against which the wage workers struck are re-established. Following a stage of miserable pay and long hours comes again renewed striking, with perhaps failure for the employes, or if they succeed they win agreements only to see them broken in the first dull season by the same set of grasping employers who have always taken unfair advantage of their needs. This is the round of events in the wage struggle of the industry. Unfortunately, the organization that carries on the striking is in cases unsubstantial. The cessation from work partakes in part the features of a strike, in part those of a revolt against society. In some occupations, again, there is little possibility of anything like a strike. In either case, in the unstable state of the unskilled labor market, the fair employer concerned is a chief sufferer. Among the last resorting to a lowered scale, he is among the first to help restore a living rate. Therefore, to-day, he is, with fitting determination, looking about for a scheme that may bring a regulator of wages for the protection of himself and his employes. Is he, or is he not, to find it in a minimum wage?

We of the union side who advocate this minimum wage law are also seeking a supplementary wage regulator, to be employed for the two obviously defenseless classes, the women and the children in the lowest paid occupations, the same

as unionists found supplementary to unionism a legal regulator of wages and hours for government employes. In studying a statutory minimum wage, we are willing to weigh duly any objections of opponents that have the appearance of validity.

“Forcibly to regulate wages,” we are warned, “will destroy the basis of the right of contract upon which our present industrial civilization has been founded.” But we must ask the critic who raises this argument to reflect upon the various spheres of social activity in which the régime of contract does not now prevail. Some forms of contract, he knows, are forbidden by the constitution. No one may contract to commit or condone crime, or to establish slavery, even to enslave himself. Employes of the government have by no means the same liberty of contract as other citizens. Contract is in notable respects not free to dependents on society. The actual legal status of all the minors in this republic is that they are primarily wards of the state. Parents may not abuse them, or neglect them, to their mental or moral detriment, or otherwise work them injury. The State imperatively imposes on parents the obligation to give their children a certain schooling. It fixes an age below which minors may not be hired out to work. With women, also, the free play for contract is much less than with men. The Federal Supreme Court in handing down its decision in the Oregon ten-hour case, said that

woman "has been looked upon in the courts as needing special care, that her rights may be preserved." The argument of another court, that a woman must remain free to contract to work, in a factory, as many hours a day as she wills, was ruled unsound.

Freedom of contract not being absolute, the question of its just or socially beneficial marginal line presents in practice a constant dilemma. All-comprehensive dogmatism here obviously fails. Principles, precedents, maxims are at variance. The actual marginal line shifts back or forth, relatively with prevailing opinion. This is governed by circumstances. As to the minimum wage, the query to-day becomes, Shall the state dictate, in peculiar but important circumstances, terms and conditions of service beyond those relating to hours, safety, sanitation, compensation for injuries, and kindred phases of protection?—with respect to all of which the marginal line has in the course of industrial evolution been pushed further afield upon the domain of abstract liberty.

Can any special reasons be offered by government for interfering in the rates of wages? To this, the reply may in part be arrived at by contemplating the effects upon the state (society organized for the purposes of government) in the case of wages insufficient to maintain wage earners independently of public assistance. Surely, if society is continuously to be called on to

piece out the cost of the maintenance of a class of its members, it has a just and serious concern in all the conditions of the labor of that class. It might be better—at times assuredly would be better—to support entirely non-self-sustaining persons rather than to permit them, through their underpaid labor, at once to semi-pauperize themselves and to put in jeopardy, through their destructive competition, the wage-rates and, consequently, the well-being of their fellow-workers in general, who usually obtain a higher scale. Here, regarding its especial wards, the state, mindful above all of a defense of its own future, might prescribe extraordinary protective measures.

We are asked to consider carefully, in objection to the minimum wage, the fact that “at its recent convention the American Federation of Labor declared that a uniform legal scale of compensation for work and services would mean the abandonment of its fundamental principles, that workers own their labor power, and that they alone, acting as individuals or voluntary associations, have the sole right to set the price and bargain for the same.” To this, in the union sense, we agree. The workers here referred to are, can in fact only be, able-bodied adult males— independent citizens, capable as a class of maintaining their rights and defending their interests. The wardship of the law touches them lightly. Yet, exceptions exist to the principle enunciated

in the resolution. A desired rate of wages is enforced by statute on public works. In railroad and mining work, maximum legal hours are, in instances, prescribed. Militant labor in these cases adds to its own bargaining abilities the powers of the law. Moreover, were we to continue argument on the point, attention would necessarily be given to that much-exploited tenet of non-unionism, the proposition that, in all circumstances, a worker owns his own labor power, with the sole right to set its price.

So much for basic principles. In practice, it is not a certainty that a legal minimum must tend to become a maximum. A legal rate of interest exists concurrently with a wide play in market rates, above as well as below the statutory percentage. The legal minimum of wage for child labor sends no young boys to work from the well-to-do classes. A low legal minimum of wages for locomotive engineers could not break down their present scale, though their ranks are open to non-unionists. All union wages are the result, not of laws, but of the cohesive power of union members exerted in the labor market. Illustrations, these, of tendencies wherever there is strength more than counter-balancing the possibility of accepting the conditions of weakness. Moreover, if we are to take facts in lieu of prophecies, where the minimum wage has been tried it has had the effect generally of raising wages. In the "Outlook,"

January 11, 1913, in an article on "How a Minimum Wage Law Has Worked," these statements are made as to the statute in Australia: A temporary provision when first enacted, it has been renewed five times. "None of the predicted evils has followed the act. Employers as well as employees welcome it. It has apparently not increased the cost of production, although it has increased wages. Efficiency, however, it has increased. It has not only reduced the number of those who are on the margin of dependency; it has saved honest employers from dishonest and underhanded competition in arrangements with wage earners." There has been no "leveling down."

Public attention has been called in the following words to my own views relative to wages and the American standard of living: "John Mitchell and other authorities put the annual family minimum living wage at \$600 a year. The average family wage in Massachusetts is shown by the latest census to be \$800, or \$200 more than the necessary family wage accepted by economists." To prevent acceptance as a fact of this misquotation of what I said ten years ago on this point, I repeat, correctly, the part of the passage referred to which contained the thought now applicable to the minimum wage proposition ("Organized Labor," p. 118): "In cities of over one hundred thousand, and especially in cities of over half a million, \$600 would, in my opinion, be *insufficient* to maintain

this standard for unskilled workingmen." This estimate being behind the times by a decade, how much must be added to it through the increased cost of commodities meanwhile? The \$800 average of the census for Massachusetts, a level made high by the larger wages of the skilled and the well-placed workers, would fail to provide comforts and savings for the unskilled in general in the cities, many of whom earn several hundred dollars less than the \$800.

In the course of an address on the new Massachusetts minimum wage law, one of its critics inadvertently makes two prophecies: (1) It will not be operative; (2) It will be operative, to the detriment of employers, employes, and the State. Incidentally, this critic attributes to it the list of evils common in the minds of conservatives to all innovations in social regulation. Every infraction of ancient economic rule, we long ago learned from the defenders of a settled society, is inquisitorial, costly, impractical, unphilosophic, unchristian, ruinous to capital and destructive of labor's self-respect. But the present generation has in important matters often seen this set of arguments undone by time. Practice has disproved prophecy.

Stability in the wage-rates of women and minors would eventually be a gain to all financially sound employers. Living wages would compel every industry to support its workers. Certain indus-

tries escape that duty as their wage scales now are.

A continually fluctuating labor market is a heavy burden on the fair employer in manufactures. He is menaced by the under-cutting of his wage-rates, by his rivals in business, by strikes of his employes, by the uncertainties of the future, by alterations in costs. His losses besides are those of a citizen obliged to help support those of his competitors not paying a living wage and whose employes are hence from time to time thrown on the community for assistance.

We cannot but conclude that the fair employer must in the end agree with us on the desirability and feasibility of the minimum wage as here advocated. We have chosen to look at it much from his angle of vision, which presents the subject in a light not so readily caught from the purely labor side. In so doing, we have sought to collaborate with him to put bread in the mouths of underfed children and to remove sorrow and anxiety from the home of many a poor mother.

A word to the good, but principle-bound, men who catch, as if seizing social safety devices, at such phrases as "contract," "liberty," "a free market," "mutual agreement," when speaking of the arrangement of terms for labor. There are few among them, we verily believe, who would not take to task, in some way, any neighbor known to them as an oppressor of the weak, an unmerciful

taskmaster to children, a cheat in the payment of his domestic servants. Such a man they would talk about, avoid, boycott, punish with zeal. They would unite in making an example of him. Why, then, cannot the community rightfully unite in simply exacting scant justice from an employer who is habitually guilty of all the acts mentioned? Not only of those acts, but of robbing the community of a part of the means to maintain his business.

An industry employing women and children which cannot afford, or which fails, to pay wages sufficiently high to enable them to live healthy and normal lives is a detriment, not a benefit, to society and should not be permitted to exist.

CHAPTER VII.

THE WAGE EARNERS AND THE TRUSTS.

The trade unionist has his own special problems with regard to the trusts. To a degree he is naturally interested with all other citizens in watching the steps being taken by the government with the avowed aim of dissolving them. As a consumer he has reason to study their effects on prices. As an investor, though not deeply concerned in them personally, he is aware of the bad effects on business caused by uncertainty as to their legality, their future, and the financial fate of their shareholders. As a fairly intelligent man of the twentieth century, he can have no deep-set aversion to that phase of the trust which relates to increased efficiency through improved forms of organization, or of management in buying and selling, or through adopting the latest machinery and the cheapest methods of transportation, for these features of production, as developed to their highest plane, are without doubt destined to be characteristic of the final order of society. But whatever his other relation to it may be, it is as a trade unionist that certain particular results of the trust problem affect him directly. One of these results has been that the trade union, of all the "combinations" of the day, was the first to be

brought to account under the Sherman act, once popular with reformers and intended by the government to be the instrument for curbing the real trusts. Another has been the temporary weakening of several national trade unions through systematic machinations of the trusts on a scale not possible to any but multi-millionaire organizations.

The course of the series of events relating to the Sherman anti-trust act which ended in the conviction of trade unionists as the only malefactors under its operations up to nearly two decades after its passage, would serve to confirm the cynical observation that under the law might makes right and that no matter whom a statute is aimed at, the laboring man is sure to be the one it strikes.

It is the testimony of the officials of the American Federation of Labor at headquarters, and of the labor legislative committeemen of that day, that in 1890, at the time of the passage of the Sherman act, it was understood that the proposed statute should not apply to the trade union. "The bill in its first stages," states President Gompers, "contained a section affirmatively declaring that the organizations of working people instituted for the purpose of regulating wages, hours of labor, and conditions of employment, should not come under the operations of the proposed law." And when that section was under consideration in Con-

gress Senator George of Mississippi and Senator Hoar of Massachusetts, in reply to inquiries, said that they were then satisfied that labor organizations would not fall under the law, if enacted in that form. The bill, after being referred to a committee, was reported back with the section dropped, but assurances were given by Senators Hoar, George, Blair, Sherman and others that organized labor was not to come under the provisions of the statute.

In the twenty-odd years since the law was passed, the trusts of manufacturers and business men have developed in this country as never before. Not until within the last few years has the Sherman act seriously inconvenienced any of them. Even now, as matters stand, none of the trust-makers, as such, have gone to jail. Their punishment through the law has not destroyed their real powers of centralization, the source of their strength. The worst that is happening to any of the big combinations is "a readjustment of organization to conform to recent interpretations of the Sherman law," or "a separation, through legal forms, of the offending corporation into its constituent parts." This, while public assurance is given by an attorney of national reputation, who is a trust expert, that "the most effective of all temporary price arrangements" are reached "by barely more than a word or a sign" and are known as "gentlemen's agreements."

Those newspapers which are commonly regarded as representative of big business refer with mock respect to the Sherman statute when speaking of the dissolution of several of the trusts now taking place under its menace. The form of enforcing a law is there; substance in the economic changes effected is lacking. "The laws of trade cannot be over-ruled by Congress;" combination in form may be forbidden; ownership in fact cannot be prevented." It would be curious indeed if one man with a hundred millions might legally own an industry, and control its methods of production and distribution, while two men, as a trust, might not. So, all told, who expects real competition to be restored in the industries which in their operations have approached monopolization?

But toward labor organizations precedents have been established under the Sherman law which threaten to render it a weapon for their serious injury, unless new legislation comes to their aid. They are not in the business of production—buying and selling-materials, managing corporations, issuing stock, and getting charters from the government. In no respect can they promote trade or restrain trade in the sense commonly applicable to trusts. An accurate discrimination in the employment of the term "combination," with its many-phased meanings, has prompted the British government to exempt explicitly the labor unions

of the United Kingdom from the provisions of its law against combinations, an example followed by Canada in its act to control and regulate those of that country. But a bill before our Congress to the same effect halts. Meantime, the power of our courts is invoked to hamper the trade unions. The United States Supreme Court has decided that a refusal by organized workmen to buy a particular firm's goods is a restraint of trade, as contemplated by the Sherman law—a crime for which individual workmen or associations of workmen may be fined and imprisoned—and the union hat-makers are wrestling in the mazes of the law, trying to avoid a fine imposed on them of \$240,000, with fees and costs. A step further was taken by the courts in New Orleans when seventy-five workmen were indicted for withholding their labor in support of men on strike against a reduction of wages. A step still further has been attempted in New York through a suit brought by an employer against women of wealth for their humanitarian assistance to girls of the sweatshops while on strike. Will the next step be to order the dissolution of offending unions?

Really, the punishment the Sherman law is bringing upon the trusts can be quite fully described by telling what it is doing to the trade union, as the only "trust" which cannot wriggle away from the act by hiring lawyers to rewrite its articles of incorporation. Only trade unionists

have been hurtfully penalized under the act, notwithstanding the obvious fact that the trade union has none of the characteristics essential to a trust—if the word is to bear a specific meaning. The trade union has not even papers of incorporation. It holds no franchise or charter, issued by a legislature. It possesses no legal privilege. It is protected by no tariff. It cannot raise or lower prices of commodities, sell stocks in Wall street, advertise goods or bleed consumers. Its “monopoly of labor” is true only as it is true that an individual has a monopoly of his own body, and of his own labor, when he is free. The trade union’s mission is protective—of the poor, of the weaker ones in the economic struggle, of the men who have little more than their own labor and find the possessors of the wealth of the world in so many respects their masters, of the women tortured and often stricken through long hours and heavy burdens in the factory or business mart while their first place is in the home, of the children stunted in physical, moral, and mental growth through racking labor in their tender years. The trade union! Center of hope for millions, theater of countless and endless acts of generosity; inculcator of the basic social virtues of courage, brotherhood, and self-sacrifice; school, assimilator, inspirer of the penniless immigrant, that common object of plunder; medium for genuine charity, uplifter to poverty, a positive help to humanity! The labor union—the

one black, foul, criminal trust whose members deserve the stigma of a public disgrace, a sentence to imprisonment in jail!

There is not another country on the face of the earth that has adopted the principle of the Sherman law. There is not another country that has in all its code such a law to be used against the trade unions. There is not another country in which the real trusts have been able to carry on a campaign of displacement of union men with the assistance of laws professedly designed for the protection of labor. There is not another country whose captains of industry have employed foreign laborers by the million to break down the standards of living among its own people.

The steel trust, the tobacco trust, the flour trust, the beef trust, the leather trust, the anthracite coal trust — do they today pay the American standard of wages to more than twenty per cent. of their laborers? The farce of the contract-labor law is seen in their hosts of immigrant employes. For many years it has not been worth while for the managers of any large industry to send abroad openly to make contracts with intending immigrants. The necessary trick is simple. A few laborers in their employ can on instigation summon by letter to this country all the laborers of their home villages or communes who are disposed to emigrate, an intimation as to where work may be found

being sufficient. Or, the padrones and so-called intelligence bureaus of the larger cities, New York principally, are in position to import and distribute gangs of almost any number of men to any part of America. On these sources of common labor the trusts have drawn while pursuing a plan on a comprehensive scope for cutting wages, for maintaining the twelve-hour shift, for depriving their workmen of the rights and powers exercised through the trade union. Toward the union, and consequently toward American labor and the European labor most nearly its equal in education and independent character, the trusts have applied the principle, carried out in their transactions in other respects, of buying in the cheapest markets and eliminating opposition.

Temporarily, in some notable instances, this policy of the trusts toward labor has been partially successful. But it may now be confidently asserted that in adopting it they made a fatal mistake. Not only have they added force to the ugly antagonism which they are encountering on the part of the American common people, and made it more of a certainty that their contest for permanency will be the more costly to them and the more doubtful in its issue, but it may be prophesied that all their deliberate efforts to crush out trade unionism among their employes will come to naught.

Each stage in the progress of the trade union in this country has seen its appropriate methods for promoting organization. At first, to form local unions and then combine them in embryonic district or national unions, volunteer missionaries as organizers and other officials, chiefly advanced the cause. Next, while allotting to volunteer effort its fitting sphere of duty, paid officials were employed, especially to conduct the organization of the growing national and international unions. A step further was taken when commissioned organizers became a regular factor of the unions, and assisted the international officers, together forming a corps equipped for their duties as men for a profession, familiar with the labor laws, experienced as negotiators with employers, acquainted with the markets for the output of industries, and accustomed to watch legislators. Another profitable step was establishing a labor press, every industrial centre today having at least one union newspaper. In all, propaganda proceeding from these various sources brought the spirit of union labor into every community in the country.

As a result, recruits no longer come to the unions only as individuals, each entering as a single convert and casting his lot with men perhaps unknown to him. The present process takes in men and women by the thousands. First spreads the general sentiment among the people

of an unorganized occupation that the union has a positive, necessary, and inevitable mission with the working-classes—and not in a far-off future. In looking to it for help, the workers see that they are depending upon themselves and their fellow-workers, and not upon Ladies Bountiful and Lords Charitable. Millions of other workers have obtained a foothold in freedom by asserting themselves in a body—why not they? 'Tis the truth, the living truth—act on it! And moved by a common impulse, the incoherent multitude becomes an organic entity; in it isolation has given way to solidarity; brotherhood has replaced egoism; it feels, thinks, and acts as one effective being, a division of society. So it was when the ten thousand Fifth avenue dressmakers walked out in September, 1911, when the forty, seventy, one hundred thousand shirtwaist makers, garment workers, laborers in general of one city or another in the past two or three years took their first common step together, learning by it sufficient of the virtues of unionism to form an experience never to be forgotten.

This remarkable and predictive social phenomenon, a strike as nearly general to an industry as circumstances require, has of recent years repeatedly taken place in all the great industrial countries. Just as Sedan taught in war a lesson which military men say ought to have been expounded in fact at Gettysburg—that a whole

army may be captured—so one great strike after another is teaching the laboring masses in all countries the potentialities in the suspension of work covering an entire occupation, or, if occasion demands, even a larger social area. In this country, in 1902, the anthracite miners found the way, with 150,000 men; in 1905-6, the typographical union held its entire trade magnificently, with 50,000 highly skilled artisans; in 1907-8, the railroad men, without a walk-out, showed the workableness of a nation-wide common stand, communicating, as they did, the fact to the railroad managers that labor was not to bear the brunt of the burdens of the panic of 1907 and would accept no reduction in wages. In France, in the great strike two years ago of the railway, telegraph, and postoffice employes, the idea of industrial solidarity was illustrated, recklessly. In Great Britain, in the summer of 1911, the abstention from work was just as large as had been predetermined by necessity.

Colonies transplanted to America from darkest Europe do not remain benighted. Men who read the working-class periodicals printed in foreign languages say that of all the radical press in America, they are the most bitter. Their editors and the foreign labor leaders commonly preach the general strike. The most ungovernable and otherwise desperate strikers in America in recent years have been great bodies of non-unionists, ✓

the larger proportion not speaking the English language.

The game played by those manipulators of wealth by the hundreds of millions, those managers of scores of consolidated corporations, bent on setting laboring men by the tens of thousands in competition with one another, is foredoomed to failure. The leaven of American independence and trade union sentiment is at work among their deceived and oppressed employes everywhere. The last illiterate bunch of muscles among them has been electrified by the repeated spectacle, here and abroad, of the mass facing fearlessly, and with overwhelming power, both master and class. Out of the confusion, the dissension, the competition of the great trusts' laborers may come, at any opportune moment, a movement manifestive of a desire to profit by the example thus so often set them by others of their condition. Events have their direct, un-deviating logic. In every calling among the trust wage workers there is an imperative necessity—both for themselves and for the common weal—of complete organization on a national scale.

CHAPTER VIII.

THE WAGE EARNERS AND UNEMPLOYMENT.

When we consider that in an equitable and efficient organization of society there could be no unemployment, in the sense of capable wage-workers wanting work and being unable to find it, and then look at the amount of unemployment today in this country, we see injustice, inefficiency, and neglect of our working people in the economic plan and make-up of our present society.

The United States is the only great industrial country that has not taken up the problem of unemployment and endeavored to mitigate its deplorable effects. Neither the national government nor that of any State has any adequate or systematic means of ascertaining the number of unemployed at any given time in any community. With us in America the problem is exceptionally complicated, through the factor of an immigration unknown to all other countries. Were we to adopt measures for the relief of the unemployed similar to those in practice either in Germany or Great Britain, and make no provision for excluding immigrants from their operation, the risk would be encountered of simply providing better means than at present exist for distrib-

uting newly landed immigrants throughout our country, to get work which might be done by labor already here.

For a century this government possessed, in its unappropriated natural resources, an ever-reliable absorber of labor seeking employment. Those resources no longer perform that function directly, except in a limited degree. We have arrived at the state at which social action, in some form, must to an extent take the place of the individual effort which in the past could be depended upon in a land of opportunities, the principal of which, the free West, was continuously open.

A Federal commission has reported that our labor market is overstocked. especially in the unskilled occupations.

Such is our national situation with respect to employment, and its reverse, unemployment, viewed in its broadest scope and features. It is by this view that judgment on the question must be reached. If we permit ourselves to approach the subject merely as guided by personal experience, or the interests of one element or another in the community, or the observations of investigators who for any reason do not go on to the end of their work, we may arrive at imperfect conclusions. Some workingmen are rarely out of employment; they are the strong, the capable, the energetic. If they look no further than their

own experience, there is no such thing as unemployment. Unfortunately for the cause of truth, the fact is that many men, in and out of the wage-earning class, solve every social problem—to their own satisfaction—merely in the light of what they themselves have seen or gone through. Many employers cannot find workers when they want them; they consequently become irritated when told that much labor is idle and say that the reason for it is to be found in sloth. Employers whose work fluctuates by seasons make widely known at the beginning of their live season their complaint of inability to find their complement of workers at short notice; they send out no signals of distress, however, at the beginning of their dead season, when they dismiss all but a skeleton of their force. Social investigators may record such facts as that snow-shovelers in mid-winter are scarce, despite the cry of unemployment; they perhaps may not give due weight to the explanation that city out-of-works are indoor workers, unaccustomed to heavy muscular effort and unprovided with the personal outfit necessary for out-door labor in severe weather.

No; such narrow views are not sufficient. The subject can only be grasped nationally, or by large areas of the country and by taking into consideration besides the category of wage laborers, all sorts and conditions of men and women who offer their labor, manual or mental,

for compensation. If we so proceed we shall find in America a state of economic affairs relative to employment unlike that existing in any other country. It may be taken for granted that in no European country is there such a proportion as in the United States of fairly successful grandfathers and fathers who, to their disappointment, cannot find situations for their boys of the present generation, with prospects such as the elders enjoyed. The reorganization of industry and commerce of the last few decades has not left it so easy to mount the ladder of success from the lowest rung. Generally, the ladder for small enterprises is no longer there. What to do with their sons waiting for an opportunity is frequently a more anxious question with fairly well-to-do families than with people in comparatively straitened circumstances. Proportionately, too, we have the largest number of professional men in the world—commonly in agreement on one point, that the country could well get along with fewer. On the other hand, elasticity in diminishing the effects of unemployment among these classes exists in the possibilities of doubling up at home with the old folks or depending on the wife's income or labor. Hard times in business cuts down the migration from farm to town, postpones marriages, lessens the demand for large and expensive flats or houses, curtails personal outlay in many directions. It

is a heart-breaking social process. The mortifications, anxieties, even agonies, experienced by the people above public aid, as they resort to the shifts best known to their class in staving off stark poverty when their bread-winners are idle, in many cases quite equal the acute sufferings of the unemployed poor. Indeed, many of them who meet with reverses become acquainted with hunger itself. This phase of unemployment deserves recognition here inasmuch as it is to be doubted that the same class in foreign countries is so much in jeopardy from lack of occupation as in this country, changes in industry not being so great or so sudden and widespread as here. Moreover, the number of our men and women who during unemployment drop off from the ranks of the apparently prosperous, and are obliged to take their chances with the hard working, is by no means inconsiderable. The bread lines and the lodging houses of the Bowery type have usually, by report, a large proportion of educated Americans, indicative of the number barely holding on at a grade a little higher up, living in deprivation. This class of sufferers from unemployment, while it strongly appeals to the observer sentimentally, is beyond the reach of direct state interference practically. The people in it can never be enumerated, classified as worthy or unworthy, placed under inspectorship, or given places through labor bureaus. But

for all that, they form a noteworthy factor in the problem of unemployment, its causes, its loss to production, and its detriment to society.

When we turn our attention to our artisans and laborers, we find them subject to certain causes for unemployment not usual in Europe. It is a settled policy with employers in some of our great industries not to give a full year's work to their employes, even where it might be done. The anthracite miners average less than two hundred days' work annually, whereas steady employment might be given a regular force in the industry for at least three hundred days. Suspension of work at mills and factories, in consequence of consolidation or with intention of union breaking, has characterized the steel, the textile and other industries. Our building trades in the North lose two months more in the winter season than do those of England. Such factors serve to render the subject more perplexing here than in the Old World. Other points of difference exist. We have no such loss to industry as that from the "class" of young men on the Continent of Europe going each year into the army, and no such dubious gain as in the re-entry of the "class" returned to civil life, with the difficulties of putting the right men into the vacancies; we have no such question as is before England in connection with its numerous seafaring men, nor several other countries with

their illiterate masses, in cases reaching nearly 50 per cent. of all the adult males. On the other hand, European countries have not our negro question, or an immigrant population, speaking diverse tongues.

If we seek light on a remedy for our own unemployment problem by studying what has been done in the countries further advanced in dealing with the question for themselves, we cannot by any means be sure that their methods would meet a degree of success here corresponding with that attained by them elsewhere.

The very first step in taking cognizance of unemployment as the object of a national reform through such means as labor exchanges, out-of-work relief, or similar administrative agencies necessitating supervision of the unemployed, is to ascertain approximately the number of people who might thus be reached, on the average, annually, in the course of the years. In the United States this is a far more difficult task than in any country in Europe. Area, the sparse settlement of vast districts, our sudden fluctuations in employment, besides the various nationalities of the immigrants and the wandering habits of so many of our native wage earners—all these facts indicate so many obstacles to anything like a correct census. Any one may make his guess of the number out of work at a given time. The politicians among the “outs” always

have more unemployed in the country than the politicians among the "ins." Social revolutionists consistently see an enormous number of the idle and starving. The New York Labor Bureau publishes at stated periods a report bearing on the subject for the State, based largely on trade union returns, and not for the entire population. These reports carry the observer somewhat nearer the truth than might his own otherwise unsubstantiated estimate, but the bureau officials themselves do not ask the public to regard their figures as well founded statistics representing fully sifted facts. Their statements may run that 5 to 10 per cent. of the membership of certain trade unions were out of work at given dates, which may indicate the dull seasons in the trades reported rather than unemployment as a social phenomenon affecting laborers of all callings. The truth is bad enough at times, even after it has been proved that commonly accepted figures are inflated. The "Bulletin of the Bureau of Labor" (Federal) has on record the results of an inquiry made in 1878 when the Massachusetts Bureau of Labor Statistics made two canvasses of the State to ascertain the number of people out of employment. It had been reported that 40,000 were out in Boston, 200,000 to 300,000 in Massachusetts, and 3,000,000 in the United States. The Bureau found 28,508 out in the State in June, and not more than 23,000 in November—

skilled and unskilled, male and female. On this basis, the number out for the whole country would have been 460,000. Perhaps those who speak for the unemployed have grown cautious, but very recently the press quoted the worthy gentleman who is devoting his life to the cause of the unemployed, acting as president of an organization laboring in their behalf, as giving his estimate that in the summer of 1911 the number was over 4,500,000. If, indeed, it was 1,000,000 it signified a serious loss to the nation every day. If the number were but half a million in the class of laborers, there is still to be added the number in the classes not so denominated. Even when modified by persistent doubters and careful bureau statisticians, the number of the unemployed is sufficient to constitute a source of national anxiety. When we think of the misery of the man or woman dependent on wages being out of work, but willing and anxious to work, and reflect that perhaps today a million of persons are thus suffering, we must decide that of all the economic questions brought before society none is more serious than this.

With the wage earners given steady employment, at living wages, society might proceed to answer all the other problems of the human race in comparative peace and happiness. But this is a long stage beyond any yet sought by the nations that have given the problem of unemploy-

ment the most attention. They have gone no further than to try to keep the unemployed wage earners just about alive and to put them in connection with employers. In this work Germany has taken the lead, enabled to do so through her state systems of insuring and pensioning the laborers, of rendering aid through trade union and other voluntary administrations, and of maintaining labor bureaus and temporary lodgings for the unemployed. Great Britain is now in the fourth year of experimenting with a national system of government labor bureaus, from which much was expected, as a step supplementary to old-age pensions, but which has been the subject of criticism by some of the trade unions.

There is not space here to enter into a description of Germany's interwoven methods of protecting its laborers in the less gainful callings from extreme distress, but mention of its principal agencies will show their inapplicability as a whole in this country, at least for a long time, and the inadequacy of any of them separately from the rest.

In Germany, every person under twenty-one years of age must have a "labor book," which is held by the employer during employment and must be shown by an applicant when seeking work. When over twenty-one, all wage workers, except a comparatively small number of the

higher paid, carry insurance cards, there being at present about 18,000,000 persons insured. The card of each individual shows a record of his occupation, wages, health, insurance payments, and other economic circumstances. This card he must produce when he takes a new job, applies at a labor exchange for work, asks his union for out-of-work payment, or seeks a lodging in one of the municipal or union shelters. There are other cards, also, for the class of migratory laborers liable to become homeless tramps, who are subject to a system of police and organized philanthropic supervision which brings as nearly as possible all of them under a discipline from which it is difficult to escape a single day. Mendicancy renders one liable to arrest. In the light of these systems, one working in with another, it may be seen why there is little begging in public and no nuisance of lawless vagrancy in Germany. But it would be a woful error, it must be said, to suppose therefore that there is little poverty in the great German Empire. Much acute suffering from dire and hopeless poverty is prevented through the government's elaborate methods and a vigilance that never relaxes. Absolute starvation is rare, scientific prevention of disease is advancing, assistance reaches the poor from sources, public and private, not existing in America. But the statistics relating to relief reveal the degree to

which the masses still bear the burdens of deprivation. For instance, the number of persons obtaining temporary lodgings in a year in the "shelters" reaches two millions. Municipal out-of-work insurance, of which much praise has been written in this country, seems a small matter to an American. The amount to be drawn may run about thirty cents a day for six weeks. But then, as to the whole system of pensions and sick insurance, much the same comment is to be made. The amounts drawn, while on the whole an undoubtedly important aid to the workers, signify only provision for the barest necessities for existence.

Enough is suggested in the foregoing facts to lead to the conclusion that just what German experience might teach us would be a matter for careful study. No example for our imitation lies on the surface of the German situation. No more is there any lesson for us in the outcome of either the British or French labor exchanges, with their utterly unlike methods, except a warning.

It is to be seriously doubted whether our working-class population in America can be helped much through the European point of view with regard to the wage workers. Of the three most obvious classifications of our laborers—the white American, the negro, and the foreign—the first class stands so far apart not only from the

others, in economic condition and mental development, but from the European working-classes, that public measures of help adapted to the latter might not in the least degree be suitable to it. The American-bred wage worker does not wish to be the ward of any man or system—classified, numbered, tagged, and obliged to carry a card of identification, or be subject to police control and employing-class supervision. In fact, the American wage worker who is the product of our general system of education is about the equal of his fellow-citizens and needs only the fair opportunities promised in the principles of our republic to work out his own economic salvation.

Safe conclusions to be derived from the reports of those public employment offices thus far established in the United States are that they are adapted principally to the needs of unskilled laborers and persons in domestic service and that their beneficial development might lie in facilities for making public the points where labor is in demand and for the movement of laborers on the land, especially in harvest seasons. In the industries and mining, the most pressing need exists for not only compensation for accidents but for inspection. How little the public here is prepared for such a network of labor exchanges and its accompanying institutions as cares for the unemployed in Germany, was illustrated by the history of New York's State labor bureau.

Established in 1896 as the beginning of a proposed system on the Continental plan, its work always of a feeble character, it was abolished in 1906, a failure, the appropriation for it being turned over to additional factory inspection.

Well, what can be done for our unemployed? Alas! it is, in the end, one of the deepest questions confronting our government, our civilization, our social system. Immediately, in the United States, effective and to a point continuous relief to our overstocked labor market is to be found in persisting in American principles, under which the wage earner is an independent citizen, rather than in trying to follow European examples, by which the wage earners are regarded as wards of society. The American system of giving a citizen his rights and then letting him do for himself has not yet entirely broken down. What has broken down is the notion that America could be permanently a refuge for the oppressed and downtrodden of the whole world. An enormous practical relief to our wage workers would be given through governmental measures such as these: Restriction of immigration, a steady development of the policy of reclamation, with new adaptations of our homestead law to the reclaimed lands, and persistency in the suppression of legalized privileges. In such methods lie increased opportunity and decreased exploitation for the masses. Existing voluntary systems in

this country, such as trade union labor bureaus, advertisements of labor supply and demand through the press, and industrial insurance, are more advanced in promoting working-class interests than similar institutions in Europe. The American "way out" would seem to be through seeking economic justice and improving voluntary organizations and systems. A few dollars a month more in the form of wages to each wage worker in this country would excel both in social and monetary value all that the German wage earners obtain through their government's vast and complicated bureaucratic system of working-class relief.

CHAPTER IX.

THE WAGE EARNERS AND PRISON LABOR.

“For a hundred long years organized labor has been waging a terribly one-sided war against the competition of convict labor.” These are not the words of any labor official, uttered either in complaint or as a boast. They are set down as one of the findings of one who has investigated the convict contract labor system in this country.

One-sided indeed has the conflict so often been that trade unionists in many States in which the pernicious system has been carried on have accepted the fact, as a matter of course, that obstacles to their attempts to abolish it should be the sentiments of the philanthropically inclined but short-sighted, the emotional utterances of persons reflecting an uninformed public opinion, and, naturally, the special pleadings to the public, accompanied by underhand machinations, of the two classes of men directly controlling the labor of the prisoners—namely, contractors and prison managers.

What is assumed to be the criminal selfishness of the trade unionists in demanding for themselves the work performed by prisoners, the grievous wrong done to convicts in keeping them idle in their cells, the sufferings of their families

when deprived of even the little wages they might earn during their terms of confinement, the certainty of the convict falling into temptation when released at the end of his term without the pittance he might have saved if kept at work on wages, the serious injury to society caused by turning loose upon it annually hundreds or even thousands of desperately impoverished criminals ignorant of any means of making an honest living, whereas they might have been instructed in good trades while in prison—on these themes have been written editorials, sermons, political speeches, and college men's theses, until it might seem that on this question all the rest of the world were in unison against the trade unionists.

This, however, was never really the fact. There has always been on the side of the unionists a considerable body of men, many of them penologists, who had given sufficient study to the complicated subject of prison labor to be entitled to pronounce upon it a well-founded opinion. With time, this group has been steadily reinforced by independent investigators and disinterested readers of their reports. When, three and a half years ago, the National Committee on Prison Labor entered upon its work, it was found that its members were in practical agreement on the question with the trade unionists, that sentiment among active legislators and other public leaders had been changing as guided by a

knowledge of the subject, and that hopes to lift our prison labor systems up to a plane that would respond to the demands of the enlightened judgment of competent penologists were reasonably well founded. The present comparatively advanced status of the movement to bring prison labor in America into accordance with methods approved by European authorities on the subject, may be attributed, in good part, to the views of the backwardness of our practices expressed by foreign delegates to the International Prison Congress held in Washington in 1910. The president of that congress said of America's prisons: "In these jails it is hardly too much to say that many of the features linger which called forth the wrath and indignation of the great Howard at the end of the eighteenth century." The laws passed within the last few years at the sessions of a number of our State legislatures providing for changes in prison labor were in themselves admissions of sad deficiencies in the methods theretofore pursued.

It may perhaps be said that at length the tide has turned and that the public is gradually coming to recognize the correctness of the position of the trade unionists with respect to prison labor. Assistance is coming to them in putting an end to a most unhappy situation, whether one considers factors in it which affect the prisoner, the free laborer, or the community.

It is natural for the reader to ask why it can be affirmed positively that the trade unionists have been in the right on this question when so many other well-intentioned citizens who regarded themselves as well informed on public matters were in the wrong. The reply is that union men, especially those of certain occupations, on being for years brought constantly and intimately in contact with the economic and social consequences of contract prison labor, were driven by merciless necessity to find a just solution of the problem involved in it as a national disgrace and social injury.

Iron molders, cigar-makers, boot and shoe makers, chair-makers and other furniture workers, shirt-makers and other garment workers, harness-makers and other leather goods workers, as well as wage earners in a goodly list of other indoor occupations, at one time or other in one State or other, during a long period have had driven home to them through contract prison labor a lesson in political economy which many good people not wage workers, viewing the question sentimentally rather than practically, could have little opportunity to learn. Only a faint impression may be gained when one reads in an encyclopedic work on abstract economics such a dictum as: "The price of the surplus of a commodity in a market is the price of the entire stock," but a deep and lasting impression is re-

ceived, as from a knock-out blow, by a force of "free" dollar-a-day girl shirt-waist makers when they are discharged because the goods turned out from their employer's factory cannot compete in market price with goods of the same kind produced for a prison labor manufacturer by twenty-cents-a-day convicts. On this economic point, the New York Commissioner of Labor has thus quoted a shirt manufacturer: "All goods are sold by commercialism, and the lowest price makes the price for all as long as the cheaper article is on sale." In his report for 1910, the Commissioner of Labor of Missouri gives the idea clearly when he says: "A bad feature for the outside manufacturers is that convict goods can be and are sold to dealers and jobbers at figures slightly below their own. Therefore, it is very plain that all prison-made articles stand a better chance of selling first, and the demand must exceed this output before the jobbers and dealers can begin to handle the products of the regular tax-paying factories employing honest wage-earning men and women."

In Missouri alone in 1909 the output of convict labor shops was valued at \$4,708,102. Now, it is by far the lesser factor in the problem for that State that nearly seventeen hundred free industrial wage earners were in that year thrown out of work through the contract labor of that number of prisoners, with a loss to free labor of

\$758,000 in wages, as computed by the Commissioner. The portentous factor to society was the demoralization of the markets through the prison-labor goods, with ruinous consequences to the free-labor manufacturers, necessitating low wages for their employes and perhaps the temporary or even permanent closing of factories. When one remembers that the case of Missouri is the case of every State tolerating the convict contract system, in all twenty-nine two years ago, he may see the enormity of the wrong done in the United States to the wage workers who are not convicts and to the manufacturers who are not privileged to have their goods made by convicts in prison factories, with the advantages of free rent, power, and heat and an untaxed plant.

Left to themselves, the free manufacturers in an industry can in a general way so conduct it as either to minimize the occasional waste from over-production or to overtake the market on the occurrence of a shortage in production. In the course of years they can maintain approximately an equilibrium of trade, resulting on the whole in fairly steady work for the wage earners and average gains to the investors in the business. But, to a number of industries, of all the circumstances which vitiate the natural course of free production, prison labor has long been one of the most hurtful and vexatious. Fully thirty

years ago the stove manufacturers of New York, in petitioning the Legislature to do away with iron molding in Sing Sing, represented that as a body they could, if the State took its hands off them, provide for the average annual consumption of their goods at remunerative prices, without serious fluctuation in their scale of wages or their number of employes. Contract prison products, however, made the total output and its market prices ruinously uncertain. In New York, the contest between the two classes of metal manufacturers, free and prison, ran through decades. It was largely the efforts of the molders' union, associated with other labor organizations, which brought about the constitutional amendment of 1895, by which was introduced what is now known as the "State use" system, putting an end in New York to contract prison labor.

A barbarous social abuse certain to arise from the establishment of contract prison labor lies in securing the needed laborers. It would not do to have the contractors suffer through want of employes! A significant light was thrown on this phase of the subject in testimony given at Washington before a sub-committee of the House of Representatives three years ago, relative to a report of the Baltimore grand jury in January, 1907. A passage in this report read: "Owing to the high value of labor, we find the authorities

of our penal institutions anxious for long-term prisoners, in order that their financial showing shall be improved and that they may get appropriations for new buildings, on the ground of their being entirely or partially self-supporting. This is very commendable"! The Maryland penitentiary is one of the shirt trust factories! The process of legally putting poor and ignorant black men to work in the Southern mines as convict laborers has all the look of a villainous form of conscription: of 1,350 convicts in the Alabama mines on January 1, 1911, less than 10 per cent. were white. The writer referred to in the opening paragraph declares that of 2,591 persons imprisoned in 1910 in the New Haven (Conn.) County Jail, fully 2,000 "had not committed any crime at all." Nearly 400 had been sentenced for a "breach of the peace" ("street rows, family rows, clothes-line quarrels, and the like"); 1,115 for drunkenness ("for the most part conviviais who had had one glass too many"); 187 for trespassing on railroad property ("an offense which most of us have committed in the course of a cross-country tramp"); and 161 for vagrancy ("which means, as a rule, an unemployed workingman looking for a job"). The real purpose, the writer asserted, in confining these men in jail was to grind out profits for the prison contractor. The New Haven County Jail is one of the chair trust factories!

How many men and women of the needle trades in the United States, it may be asked, have seen their jobs taken from them through prison labor—just as the employes of four shirt factories in Baltimore, after the panic of 1907, were discharged, doomed to idleness, when the firm employing them transferred their sewing-machines to the Maryland Penitentiary, to give the prisoners work at full time? How many industrial wage workers have seen the places of their employment close through their employer's inability to compete with a manufacturer working convicts—just as was the case of a chair-making company which after thirty years in the business was forced to discontinue turning out a certain grade of goods made for it by free employes at \$1.50 to \$3.00 a day, in competition with convicts at 30 to 50 cents a day? How many poor, unfortunate blacks and whites have known while at work in prison or mine that they had been arrested, not to be punished as law-breakers, but to be worked for a combination of prison keepers and slave-driving prison labor contractors—just as may be the case today whenever the temptation and the power exists for treacherous authority and unscrupulous greed to seize and exploit weakness and helplessness? Thousands, even tens of thousands of American citizens have in one or other of these ways been mercilessly and infamously robbed of their labor,

of their time, either of which means so much of their very lives. All these sufferers had relatives, or friends, or fellow-workers who witnessed their cruel and unjust fate or heard the story of it, and these, with the victims, have no doubt wondered, in righteously rebellious spirit, where were law and justice and mercy and Christianity, while such shocking evils could be tolerated by society.

Is there a confirmed criminal class in this country, skeptical of purity in the law and beneficence in its institutions? Is there a growing defiance of the public officials? Is there a widespread conviction among the lowly that to be poor is to be legitimate prey for cunning arch-thieves cloaked in legal authority or endowed with legal privileges, even to that of jailing the victims of poverty and working them like slaves?

When one recalls to mind the enormous numbers of poor people who have suffered in some form from the blunders or the criminalities possible under our prison labor systems, something of the answer to a perplexing question which law-abiding wage earners ask one another is suggested. The question is: Who are the mob-makers that suddenly appear in our cities in times of popular excitement? Who are the missile throwers and violent shouters of incendiary phrases, usually unknown to the unionists, that during a lock-out or a strike make for the thick of the crowds, to act contrary to the wishes and

instructions of the union? To what extent may lawless outbreaks be due to the irrepressible sense of wrong done him by society rankling in the breast of here one man and there another, feeding the latent mob spirit, to flame up with the opportunity of manifesting it in public? It is to be remembered that on January 1, 1911, the total prison population of the United States was more than one hundred thousand, while the total number sent to prison in the course of the year 1910, for short as well as long terms, was more than four hundred thousand.

As to a highly promising, if not yet thorough, reform in prison labor, the principle has been applied in New York for fifteen years. Pursuant, as already mentioned, to the petitions of trade unionists and citizens who coincided with their plan, the Constitutional Convention of 1894 adopted an amendment providing that only such goods should be made in the prisons as were to be used in the public institutions of the State and its subdivisions. The August, 1911, issue of the "Prison Labor Bulletin" of the National Committee on Prison Labor, in announcing a forthcoming complete report of the status of New York's prison industries, says it will show that under the "State use" system the prison population cannot, even with greatly increased efficiency, come anywhere near supplying the market which the law has thus provided for

prison-made goods. In addition, at the Onondaga Penitentiary, the stone quarry has been so developed as to supply sufficient work all the year round for the convicts there.

Here we have methods for employing prison labor which have been shown through practice to be productive, as nearly as possible, of unmixed good—viz., manufacturing articles to be used in public institutions and breaking stones for road-making. Further, some States have successfully employed convicts in making roads.

It is now generally agreed that convicts should be paid for their labor and that a part of their wages should go to their families. With these features, the New York program, supplemented by road-making, presents the leading requisites of an effective salutary scheme. Under it prisoners may be self-sustaining, as presumably they were, on the whole, while at liberty. The suffering of those dependent upon them may be alleviated through a part of their wages. The prison products do not disturb the markets, the effect of supplying the public institutions amounting only to a slight restriction of the selling field for certain manufacturers. The factory wage-workers are not exposed to convict competition. The convicts may be kept steadily at work, while undergoing a helpful manual training. Limitations are set to the temptations, or opportunities, on the part of prison superintendents, wardens,

commissioners—of whatever title—for a vile and cowardly graft. Manufacturers operating their own plants are rid of a discreditable class of competitors.

The change in public sentiment is indicated by the legislation on the prison labor problem in 1911. No State in that year gave new powers of leasing or contracting for convict labor. Only one extended the field of its lessees. Twenty-one made some provision for State operation or assumption of industries. Eight provided for State consumption, six for regulation of prices and standardization of products and three for the branding of prison-made articles. Nine authorized road-making or road-stone crushing by convicts. Provision for radical changes in the methods of administration was made in seven States. The principle of relief for dependent families of prisoners was given some recognition. All told, a good start was made in the right direction.

Organized labor, the most forceful social element in promoting these reforms, can welcome such opinions on prison labor as the following, given editorially in the employers' "Mines and Minerals" for June, 1911:

"There is no question but that convicts should be made to work, and at least earn their keep and the expense of maintaining the penal institu-

tions, if the products of their labor do not enter into competition with those of free labor. There is a kind of work they can do, and it is work that interferes least with free labor. They can crack stone in the prison or jail yards, and this cracked stone can be effectually used to make, repair and keep in order the public roads. If each State would put its prisoners to such use, it would materially reduce the just complaints against our abominable roads; and besides, the privileges and rights of free, honest labor would be interfered with less than by any other work."

It is true, with regard to prison labor, as of many another social problem, that in defending themselves trade unionists have been protecting not only the interests of non-unionists but of society in general.

CHAPTER X.

THE WAGE EARNERS—UNION AND NON-UNION.

With a population of a hundred millions under its flag, and a total area almost equaling that of Europe, the United States contains large districts, together with considerable strata of society in every district, in which non-unionism is the normal and natural condition of the family bread-winners. In our agricultural States and in the dependencies, wherever, in fact, the land-owner and the tiller of the soil are one, or even where the qualified tenant farmer is yet so rare as to be in demand, the principle of trade unionism invariably makes slow headway. Also, among many professional and commercial men who, though offering their labor for a hire, find it difficult to establish a common scale—the expectations of each being to find himself some day in one of the highly prized places of his calling—the prevailing spirit is decidedly that of competition as against one another, though it may be that of combination against individuals not yet admitted to their ranks. Even members of the typical professional society or league who do not term their remuneration wages, but fees or salaries, are often unaware of having taken up with trade

union principles by organizing and have no sympathy with wage strikers.

In the earlier days of our Republic, when agriculture was the pursuit of three-fourths of the population, individual initiative, knowledge of one's calling, and the virtues of personal thrift were usually sufficient to bring at least a modicum of success. At a time when developing trade unionism was absorbing much public attention in Great Britain, and being hailed by the working people there as an institution promising more for their material welfare than any other, Americans in general were as yet bestowing upon the organization of labor scarcely a passing thought. Remedies for low wages or non-employment for our wage workers of that period were to go West, or to move from place to place, or to change from one occupation to another—in any event, to "hustle," "reach out," with faith in the abounding opportunities then existing in the new and rich land. The social spirit encouraged each man to launch out and do for himself. "I paddle my own canoe" was a popular boast. The individual proved his manhood by getting ahead—which almost invariably meant shrewdness in amassing wealth, no matter by whom produced. The oldest of the trade unionists of this country can remember when the maxims which guided men to prosperity in business, or in election to office, or to prominence in

any walk of life, were those which imposed injunctions upon each person to work for himself exclusively and avoid entangling alliances with others, especially with any of his weaker brethren. The youngest of our trade unionists may every day hear of people who believe that these maxims still hold good.

Trade unionism in this country has had to make its way against what was undoubtedly the original American spirit—in business. All citizens, including the farmers, were assumed to be in business, producing and selling for themselves. If a man was not in business, he was, if made of good stuff, expected to be on the way, through working, skimping, and saving, to going into business, whether in agriculture, trade, manufacturing, or a profession. To a self-made man who ardently held to this conception of society, which involves the principle that to be successful one must “rise,” must be an employer, must show his superiority in acquisitiveness over his fellows, the proposition that there should be a wage-workers’ combination, possibly to be operative against himself, seemed almost a blasphemous breaking away from the moorings of accepted morality. Such a union was to his mind contemptible, composed of an aggregation of failures, a startling evidence of social degeneracy. Many men, self-made or made big through heredity, their dependents and those attached to

them by social ties, therefore felt it a bounden duty to stamp out trade unionism, to continue to uphold the ancient precepts that led to the success they had worshiped, to proclaim that the possession of property was evidence that the possessor was a mental giant, to hold that an employer's business entitled him to manage it—and the employes—as he willed.

The opportunities existing in a rich, sparsely settled country, the emulation afforded in every community through the example of its self-made men, the social atmosphere in which adulation of the strong and independent was accepted as a phase of truth itself—these were factors giving nourishment to the spirit of non-unionism. Another, and a most notable, factor arose with the appearance of labor organization. It was made possible through the crudities in the form and operations of the first organizations and the natural blunders of their representatives—blunders which persist, on occasions, to the present time, when the organized are under an improved discipline.

In the Old World the uprising of labor in any form through political parties or through trade organizations, could not be met by the arguments, springing from equality in voting or in material opportunity, which in this country once had in them some show of reason. In the thickly settled countries of Europe the masses have had few

opportunities, even in education; there has been no semblance of equality among the citizens, except as the poor were equally and miserably poor; the economists and other teachers of the public of Europe have therefore favored, rather than discouraged, labor organization. Non-unionism, with its wage workers, was never an normal or natural situation. Unionism, as soon as serfdom was actually put aside, was a logical outcome of working-class liberty. In America, on the other hand, the masses of white wage workers have passed from the stage of comparative economic freedom of forty years ago to a social stage approximating that of the industrial countries of Europe. Consequently, the area, social and geographical, for the American non-unionist has been contemporaneously narrowing. The premises for his reasoning, in self-defense or apology, have been gradually disappearing. His left-over maxims, fitting to a period of crude and mistaken individualism, are no longer appropriate to the times. The lot of one man, year in and year out, in any of our great industries, is the lot of the mass—in nine cases in ten; in nineteen in twenty; or in ninety-nine in one hundred.

With few exceptions, the day for the industrial wage worker to study purely personal advantage, the over-reaching of his fellows, or promotion and finally partnership through race-horse strain and effort, has gone by. The mass of the workers

have covered the whole game of climbing up, on the shoulders of others, as taught in the circles which profit by it, with a full set of queries. A few of these are: What proportion of us can possibly win the few glittering prizes ever dangled before the eyes of us all? Of what profit is it to the rest when one of us, or a score in a thousand, is set up above the others? Why should we not study, for the common betterment, the methods which will surely yield equal benefits to the entire brotherhood? While the hardships of daily experience have been divesting the wage-worker himself of the superstition that the conditions of half a century ago still survive as guides and bases for his hopes, his plans, his activities in getting along in the world, converting him from non-unionist to unionist, the theoretical territory of non-unionism—that is, individualism—still has strongholds in our courts and our colleges. The lawyer, dealing in precedents, and the professor, looking to history, are apt to see what was instead of what is. The wage worker, on the contrary, knows by contact with his tasks of job-hunting and job-holding what actual conditions are. Hence, while the college president-emeritus has praise for the non-unionist, the union worker regards him as usually unfaithful to his class, though granting that occasionally he may yet be a product of the conditions surviving in the side currents of agricultural or industrial life where

the general social situation of times gone by has been still to some extent perpetuated.

In this survey of the origin and progress of the two sentiments—non-union and union, individual and co-operative—which in this country bear upon the organization of labor, we arrive at an understanding of the possibilities of honesty and principle animating men on either side. The judge on the bench may be acting in accordance with his lights, which are legal tomes, in rendering judgments that are absurd when viewed from the standpoint of the spirit and social needs of today. The old-time college professor, a closet man, may be loyal to ideals of citizenship which were possible when his favorite authorities in sociology gave the world their heavy volumes. The college student, fresh from the farm or from the home of a professional or business man, may lightly play strike-breaker as a lark, or for the extra cash needed to pay his way to a diploma, not realizing his social crime, as seen by the organized workers. The journeyman worker coming from a country town may be but following the only custom of which he has had practical knowledge when he takes a job left vacant by strikers, although this is nowadays a rare thing. The usual founts of knowledge and influence from which the plain people in small communities absorb their views of life and its obligations—as

represented by the school teacher, the village newspaper, the "influential business man," or the speech-maker on patriotic occasions—are rarely engaged in the active propaganda of trade unionism.

When, however, we mingle among the wage earners of the industrial centers, of the railroad world, of the mines, and the undertakings in general requiring workers in large numbers, we speedily find ourselves in a society by itself. It is living in close contact with the harsh facts of today; it is educated in branches of economics not usually emphasized in the college curriculum; it is fighting the battle of the worker pushed hard by conditions of the live labor market; it is animated by a moral code which is the outcome of the necessity of its defensive warfare; it is busied in divers ways with advancing the welfare of not only the organized workers but of all—men, women and children—in the wage-working ranks.

One is enabled to affirm, in sober earnest, that the sentiment of this wage-workers' society in the United States today is almost wholly union. The statistics of the present paid-up membership of the American Federation of Labor, the railroad brotherhoods, and the as yet unfederated unions show very nearly three million members. But this number does not express the sum total of unionists as it exists in fact. Unionism, in its

ebb and flow, is made the more possible to a larger and larger number through union sentiment continually preceding organization itself. Beyond the forces organized and paying dues to the unions are the masses that long to be with their comrades who are bearing the burdens of labor's uplift through union methods. A large proportion but await the opportune time to fall into line. In the progress of organization errors have been made which for a time have caused serious losses to the unions; there has been on occasion poor leadership; unwise strikes have taken place. But, whatever the cause of their falling away, it may be confidently asserted that after men have once experienced the help of the union, never will they be again satisfied with the state of non-unionism. They know that most of the betterments they enjoy come to them, and are maintained, through the power of organized labor. Three millions, therefore, is too small a number for trade unionism. If it were as easy for men to enroll themselves in a union as in a political party, trade unionism in America would today count its four million—or five or six, whatever number is necessary to cover the vastly predominating force in all the trades and callings that have been covered by our modern industrialism. It is indeed true; trade unionism envelops in its folds more than are enrolled in the unions.

When we begin an estimate of the number of

active non-union wage workers, we quickly come to a halt. Professional strike-breakers are not non-unionists. They are mercenaries, on hire to whoever pays them their price. Should the unions outbid the employers, they could buy the strike-breakers, whose principles have nothing to do with honest work. Their character is notorious; the jest of the newspapers, the thorn in the side of employers, the worry and surprise of the innocent university leaders who once deemed non-unionists heroes. The steady and usually fair wage worker who at times refuses to come out on strike and give up his job may have yet in him the making of a true union man. He may be insufficiently educated, he may have had sore experiences with the pioneers of organization in his trade, he may feel that unnecessary sacrifices are being demanded of him and his shopmates; yet time may bring him around ready to perform any duty the good of his fellow-men requires.

No workingman of principle can rest content outside organized labor unless he has not considered the questions that its progress has evoked to society. What, for example, has non-unionism to offer in place of the insurance features of unionism? The answer is, mostly, some form of pauperism or mortifying dependence. But for unionism, would there exist a single State Labor Bureau in the country? Whence could be obtained the enormous body of facts recorded in the

bureau reports if not from them? How could trade agreements be reached, except through the unions? For, it is a certainty, non-unionism cannot promise a condition in which there would be no strikes. The ugliest of outbreaks are at times by ~~non-union labor~~. What would the prevailing workday be but for the unions? Have, or have they not, brought the eight-hour day to many of the trades? What as to the laws for the protection of workers in mines, in the factories, on the railroads? Have non-unionists ever fought child labor? Under the heel of the tyrannical shop foreman, under the rigid rules of avaricious corporations, under the neglect of society, what would be the daily existence of the wage workers should they accept permanently the tenets of non-unionism?

When such questions are troubling the conscience of the wage worker not enrolled in a labor organization, he finds himself going further in self-examination. Has he a right to remain standing aside from the men who are doing what they can for their fellows? Would he not be guilty of a form of treason to his fellow workers, and of short-sightedness respecting his own interests, in taking the place of a striker? The conditions of labor being what they are, is there any truth whatever in the claim that any wage-worker has the moral or social right to work how, when and where he pleases? No more has he than has a man a right to injure himself.

In among the workers, the non-unionist can offer no live argument for his beliefs, no moral principle in self-defense, no sentiment of brotherhood, no just reason for standing aloof from his fellows.

CHAPTER XI.

THE WAGE EARNERS AND THE SOCIAL UPLIFT.

When, some time ago, public attention was directed to the women "core" makers in Massachusetts foundries, the necessity for the good offices of trade unions in the case was plainly seen by conservative editors and other public teachers who seldom have a good word for organized labor. They took it for granted that the unions were to be prominent among the organizations which should set about removing from American society the blemish existing in the spectacle of womanhood, degraded, as must needs be in the occupation in question, through the circumstances of work beyond the strength of the sex, of promiscuous workshop associations, and of unconventional exposure of the person in the fierce heat of the foundry. Quarrel with the unions as they may, even the "last ditchers" among the adversaries of trade unionism must finally admit that the sentiments of the wage-earning class are entitled to a hearing, backed by an effective force, and that to obtain that hearing and to give it force the obvious essential is organization. In so far as concession on these points is made by opponents, they show themselves to be sympathizers with the union. They acknowledge it has a place in society.

That such a sympathy and acknowledgment have a much firmer hold in the average stubborn employer's heart and mind than he will admit, trade union officials are led to believe through their experience as conferees in such matters as trade agreements and much legislation protective of the workers. A common observation among employers who are pretty stiff fighters with the labor organizations among their employes is, "Candidly, if I were a wage worker I'd be a member of the union."

This avowal is honest and human. It is equivalent to declaring that every one who is oppressed rightfully calls for fair play. This the wage-earner standing alone cannot get, as all employers are fully aware. Therefore, under some stress, the last biased one among them will express a willingness to comply with the rules of the game in the struggle for life and opportunity. Now, all games involving struggle are typified in the familiar illustration of the street fight between two urchins surrounded by a group of youthful spectators, who constitute themselves judge and jury. If the combatants are unequally pitted, the weaker must be given advantages in some form before the fight can go on. Whatever the varied interests of the lookers-on, all join in upholding the traditional rules, even those who have special reasons for taking sides, and the fighter who refuses to proceed under the general judgment of

right dealing is accounted unfair, and he loses his place in respectable society among boys.

Hence it may with good reason be asked: Who, in fact, does not sympathize with the organized labor movement? Who will say it is not called for by existing social conditions? Who does not know that the employer has the best of it over the wage earner who seeks work merely as one in an unorganized mass? Society on occasions may be vexed with the organized laborer; it may at times regard him as unwise; it may, in its capacity as jury, pronounce against him should he strike a foul blow; but it would like to see removed the disadvantages under which labor is conducting its fight for a fair share in the fruits of the general toil.

It can be safely laid down as an indisputable proposition that the nearer the systematic observer gets to the laborer, and the longer he studies the labor movement, the more lively are his sympathies with the laborer and the firmer are his convictions that, on the whole and all things considered, the labor movement of this country has done whatever good has come within its possibilities. It sometimes happens that social workers, fresh from their college books after being brought up in homes of the professional or business classes, find themselves acting on the erroneous assumption that "working people," indefinitely, need their ministrations. But they soon

find that they have been theoretically studying, not the working classes but merely the statistics of exceptions, the reports of conditions among social strata not representative of wage workers in general, indeed, the state of affairs among the dependent and unsocialized. The novice social worker resembles in his inexperience those members of the police force who, in their daily familiarity with crime and their comparative isolation from normal life, are in danger of regarding all men as potentially criminal. But the social worker's calling gives him in time the practical advantages of getting close to the people, in their homes and at their work, and of studying their own special organizations. In the early stages of his studies at first hand he finds himself asking: What institution stands at the head in promoting the welfare of the wage earners? Or, it may be the query is: How are they best helping themselves, besides practicing individual thrift? He finds answer in such facts as these: The managers of philanthropic employment offices, of church benevolent societies, of eleemosynary agencies in general, are united in testifying to the care the trade unions extend to their own unemployed, necessitous, or sick members. The social worker thereupon feels that in doing such work on so large a scale the unions rightfully hold society as indebted to them. Pursuing his inquiries as to

unionism further, he finds that in every direction in which amelioration of the lot of the worker is directly practicable, the unions are actively at work. As the voice of labor, they are naturally the chief reliance of the agents of the State and national labor bureaus; they have for decades been foremost in pressing upon the attention of legislators the necessity for laws protective of wage working women and children; they give life to these laws, to the benefit of even the non-unionists; they conduct their own schemes of insurance; they enter a field not touched by philanthropy when they shrink the workday and expand the wage bill they present to the employer. The indebtedness of society to the unions thence becomes a theme in the writings of the social worker, as it is in the reports of the government agent, and of all other systematic observers, almost without exception. The trade union uplift of the wage earners is referred to in many pages in the volumes resulting from the Pittsburgh "survey." It has been an accepted commonplace fact in labor bureau reports. Rev. Dr. Washington Gladden, of Columbus, gives his testimony upon it in a work recently issued.

The casual reader unacquainted with either the reports of the unions or with other works of reference on the subject of union help to members in misfortune, will doubtless feel that indefinite statement might be rendered more palpable

through quotation of trustworthy figures. He can be obliged. For example, he may verify at almost any city public library, the statement that in the last ten years the trade unions of Great Britain have used their funds to the extent of twenty million dollars in relieving the distress of unemployment. Unfortunately, in this country, many of our unions do not publish the statistics of the insurance or benevolent branches of their operations. However, in 1912, six out of sixty-nine international American Federation of Labor unions reporting had expended out-of-work benefits to the amount of \$215,398. Death benefits reported for 1908 (round numbers being given for convenience) amounted to \$1,257,000; 1909, \$1,187,000; 1910, \$1,320,000; 1911, \$1,471,400. Sick benefits, 1908, \$593,000; 1909, \$731,000; 1910, \$719,000; 1911, \$818,000; 1912, \$1,649,000. But how imperfectly the benevolent features of the unions are represented in these haphazard statistics is seen in the fact that they include no mention, for instance, of the expenditures by the International Typographical Union, in 1912, for the Union Printers' Home, \$99,000; and for old-age pensions, \$169,000;—these, besides the burial benefits of \$32,000. These sums, for this union, do not include the outlay of local unions for supplemental death benefits, or of the local or workshop sick benefit societies, to which only union men are admitted. In 1912, the Typographical Union buried 655 mem-

bers, gave \$5.00 a week as a pension to 1,038 members over 60 years of age, when out of work, and maintained 130 sick or aged members at the Union Printers' Home. In the railroad brotherhoods, as is quite well known, the death and accident insurance features carry the reader to the consideration of enormous totals. In all, the mutual help of the trade unionists is on a scale so great, with results of such importance to society, that the question may with propriety be raised as to what would be the fate of our American working classes in the absence of this inseparable function of the unions.

Nor have all the forms of trade union benevolence been mentioned. Seldom is there a union meeting held at which "the hat" is not passed around for a collection to serve a charitable purpose. On the union factory bulletin board is often posted a call for help for an unfortunate shopmate. A sanitary committee, uncompensated, is no rare feature in a force of union men or women. Contributors to a shop sick fund take turns in personally attending on the sick or directing the burial of the dead. But—the uninformed inquirer will be prompted to ask—are not all these forms of mutual help easily possible also to non-unionists? To this the reply must be that they are not. Non-unionists rarely hold meetings, or have shop societies, or appoint committees. These features imply organization, which in any form is not

encouraged by non-union employers. Even the occasional benefit associations of non-union employes, which rest under the suspicion of possibly becoming the nucleus of striking labor organizations, are usually managed under the rules and direction of the interested employers. The pension features of the railroads and other large corporations, schemes to forestall union effort by binding the employe to his job, are economically a detriment to society in destroying the mobility of labor, in closing the labor market to men nearing a possible pension age, and in tending to suppress the activities of trade unionism. On the latter point, however, the intentions of the schemers have in frequent cases been defeated, when the employes, loyal to their fellows rather than to the employers who have set the pension bait for them, have courageously adopted union methods.

Whether this necessarily somewhat sketchy presentation of the purely humane side of trade unionism is suggestive of the truth may be verified, or contradicted, by a considerable number of that profession which of recent years has seriously taken up a study of the labor movement. This is the ministry of the church. There was a period, which to the veterans of the labor movement seems hardly yet passed, when it was taken for granted that clergymen, from their education and associations and the habit of regarding almsgiving as including much if not the most that is in

charity, were unable to comprehend trade unionism. To the unionists fell the task of teaching the church the evil economic effects of its representatives finding, or providing, work for the needy at low wages, or for the young children of poor widows, or for the non-unionists who wanted the places that unionists had rejected. Earnestness in the study of social conditions under modern industry has resulted in bringing the clergy, of whatever denomination, to accept labor organization as a necessity of the times. In many cases ministers have first been attracted to the benevolent work of the unions, the set of facts therein presented touching the tender heart and not very profound conscientiousness that sees high merit in giving something to those in misfortune. The next step—more difficult, requiring broader observation, clearer and closer thought, and a conscience keenly selective of social values—has come with time. Today, many of the denominations as such, and the prevailing opinion among clergymen as individuals, have pronounced for the unions. When Dr. Gladden in his latest work practically puts labor organization on trial and gives a verdict in its favor, when Rev. Charles Stelzle year by year issues his weekly letters in favor of the unions and regularly attends labor conventions, when Rabbi Wise delivers one of his glowing eulogiums on union labor, when Cardinal Gibbons advises people to refrain from purchasing the

products of sweatshops, when a score of clergymen stand ready in almost every community to write letters and articles for the union organs, when throughout the country on Labor Sunday from almost every pulpit a labor sermon is preached—when all these evidences of trade union recognition are manifested on the part of the clergy, it may be regarded as an accepted fact that the church is today emphatically on the side of union labor.

Considering how serious a step is taken by deliberative bodies of the church in giving formal approval to organizations not representative of their faith in each instance, the recognition given recently by such bodies to trade unionism forms a noteworthy sign of the times. While ordinarily the question of resolutions passed in conventions is matter to be glanced at as perfunctory expression of stereotyped opinion, in this case of the church and the organized wage earners every word of each resolution possesses a peculiar force in significance. Every point in such recommendations, it is to be remembered, was well weighed before adoption, every phrase subjected to criticism, and the step taken was fraught with good or baneful results for the convention, or synod, or council passing the resolutions. Hence it is not only with satisfaction but with the certainty of placing before the thoughtful reader an appeal to his convictions and a guide to his future atti-

It is the duty of every citizen to be informed of the public affairs of his country, and to take an active part in the government. This is the only way to secure the rights of the people, and to prevent the tyranny of a few men.

The first principle of a free government is that the power is in the people. The second principle is that the government is for the people, and not the people for the government. The third principle is that the government is of the people, and not of a few men.

The fourth principle is that the government is by the people, and not by a few men. The fifth principle is that the government is for the good of the people, and not for the private interests of a few men.

The sixth principle is that the government is of the people, and not of a few men. The seventh principle is that the government is by the people, and not by a few men.

The eighth principle is that the government is for the good of the people, and not for the private interests of a few men. The ninth principle is that the government is of the people, and not of a few men.

tical industrial problems. To us it seems that the churches must stand—

“For equal rights and complete justice for all men in all stations of life.

“For the right of all men to the opportunity for self-maintenance, a right ever to be wisely and strongly safeguarded against encroachments of every kind.

“For the right of workers to some protection against the hardships often resulting from the swift crises of industrial change.

“For the principle of conciliation and arbitration in industrial dissensions.

“For the protection of the worker from dangerous machinery, occupational disease, injuries, and mortality.

“For the abolition of child labor.

“For such regulation of the conditions of toil for women as shall safeguard the physical and moral health of the community.

“For the suppression of the sweating system.

“For the gradual and reasonable reduction of the hours of labor to the lowest practicable point, and for that degree of leisure for all which is a condition of the highest human life.

“For a release from employment one day in seven.

“For a living wage as a minimum in every industry, and for the highest wage that each industry can afford.

“For the most equitable division of the products of industry that can ultimately be devised.

“For suitable provision for the old age of the workers and for those incapacitated by injury.

“For the abatement of poverty.

“To the toilers of America and to those who by organized effort are seeking to lift the crushing burdens of the poor, and to reduce the hardships and uphold the dignity of labor, this council sends the greeting of human brotherhood and the pledge of sympathy and of help in a cause which belongs to all who follow Christ.”

On mentally reviewing the hosts of sympathizers with labor organizations, and recalling numerous instances in which he has seen men and women of the well-to-do classes persuaded by the justice of the cause of organized labor to become among its supporters, the union representative may utter a word of warning to every opponent of trade unionism. It is, if you would remain its enemy, let the subject alone. It is dangerous to you. Some day, in a course of active opposition to the unions, you will surely begin to think your best thoughts and feel in accordance with your best manhood. You will put yourself in the unionist's place, see economic conditions as he sees them, and appreciate the preponderating facts in his life which have carried him over to his labor organization. You will sympathize with him, recognize the necessity of his work, and perhaps, as with the churchmen here cited before you, join in his praise.

CHAPTER XII.

THE WAGE EARNERS AND THE EMPLOYERS.

The typical American employer, in exercising the common sense and business sagacity required in successful management and in achieving a desired reputation for fair-mindedness, avoids placing himself among those disputatious irreconcilables, the exceptions in his class, who refuse to recognize that their extreme anti-union views are out of date. Consequently, as the organization of labor has developed in this country, the bulk of the employers in one occupation after another have openly accepted the trade union as one of the inevitable modern institutions—one which is an outcome of the new industrial conditions, a necessary refuge and creation of the wage workers, a legitimate order and body within our Republic, covering a social territory lying beyond the dictatorship of employing capital. The closing of that period in our industrial history in which the trade unions might possibly have been regarded by conservative employers as yet awaiting honorable standing with other recognized beneficent institutions, ought to have been regarded by even them as arrived at the day that President Taft said: "Time was when everybody who employed labor was opposed to the labor union; when it was re-

garded as a menace. That time, I am glad to say, has largely passed away, and the man today who objects to the organization of labor should be relegated to the last century."

Granted, President Taft did not explicitly set the seal of his approval on every feature that the trade union regards as essential to its functions. Nor do employers who recognize organized labor uniformly acquiesce with good grace in every union regulation, but taking broad views of life and of the perplexities in the general industrial situation, they have learned that on the whole the union brings both to the employing and the working classes, as well as to the nation, results immeasurably better than the chaos of the labor market, the defenselessness of the wage workers, and the silencing of the voice of oppressed labor, where the masses are unorganized.

Granted, also, that in general the industrial peace which exists between organized wage workers and their employers is recognized by both sides as really a phase of economic conflict; it is a truce, possible of indefinite duration, in which each has learned to respect the other. On both sides are men. Neither knows despot or serf. Both are included, to the extent of their trade contracts, in a wage-market democracy. The mutual attitude is far from indicating social ill-health. Both sides gain in the discipline consequent on learning through strife the wisdom of

conciliation, on seeing facts as shown on the other side of the shield, and on hearkening on occasions to warnings in public opinion. The mental horizon of both employer and employe, in that situation becomes sufficiently wide to permit of a clear survey of all the body of facts for and against either party. The organized wage earners and the organized employers may agree upon regarding each other as on different sides of the labor market, even, to an extent, as rivals in dividing the wealth they together produce, but they may yet have wisdom enough to stop short of declaring each other social enemies and showing themselves animated with the bitterness of a mutual hate or bent on exterminating each other's organizations.

Not in a spirit of rancor and recrimination would a congress of American employers and employes meet today if it were truly representative—if, for example, it were composed of one wage-earning delegate from each of the railroad brotherhoods and one employer delegate from among the railroad managers closest to each of these, and also one delegate from each of the 113 international unions in the American Federation of Labor and one from the employers of each corresponding occupation. Such a congress might reasonably be expected to exhibit to the world a wealth of instructive experience, a healthy breadth of view and manly toleration, a habit of self-con-

trol, a desire for a clear understanding of the differences in principle between the two great human elements in industry. In the course of the proceedings of such a deliberative body, it is certain, the labor delegates would act under a sense of their grave responsibilities, while the extremists among the employers would be obliged, through the prevailing opinion in their own numbers, it can be believed, to drop from their case against unionism the sort of arguments certain radical attorneys and hasty-tempered officials who speak for the few belated and contentious employers' associations nowadays rely upon to mislead the public.

What the latter can be truthfully charged with is narrowness, exaggeration in statement, lack of candor in argument, impracticability, and, withal, shortsightedness. They ignore, or at least give slight weight to, the fundamental economic causes for trade union principles and organization. They "harp on one string," presenting repeatedly in various forms their one set of partisan pleadings as if they thereby exhausted the whole subject at issue. Their task of trying to demolish the unions they carry on in terms of heat and hate, which usually betray misrepresentation. But, worse for them as business men, they fail to win their case before the public and they lose in their fight on unionism.

Suppose that before a congress such as that

we have imagined a labor delegate were to make against one of the employers present the charges contained in the preceding paragraph. Could he substantiate them? Suppose he were to make them against Mr. John Kirby, Jr., president of the National Association of Manufacturers.

To begin, Mr. Kirby has signally failed to defeat American unionism, which surely has been his purpose other than filling the air with plaint and denunciation. In one of his leaflets he expresses his desire to see the American Federation of Labor "as dead as a mackerel." In his inaugural address in 1909 he said: "Today the life of the American Federation of Labor is hanging by a thread." But the report of the secretary of the Federation for each year since that time shows an unprecedented increase in the paid-up membership, the total for 1912—the largest yet reached—being 1,841,000. As an Irish delegate at a recent convention of the American Federation of Labor well said, Mr. Kirby's effort to disrupt the trade union movement was like the attempt to destroy the shamrocks of the Emerald Isle—the faster you plucked them the thicker they grew.

In another leaflet Mr. Kirby announces: "Why even the Canadian unions have repudiated the methods of the American Federation of Labor," quoting, in confirmation, a "Grand Council of Provincial Workingmen" as deciding "in favor of cutting loose." But at the recent convention,

as usual, Canada was fully represented, its delegates reporting unquestioned loyalty to the international body. In other leaflets Mr. Kirby refers to the Buck's Stove and Range Co.'s contest with union labor as if it were to be as uncompromising as his own. But the company is today on friendly terms with all the unions. He mentions approvingly a recent attack by "the Knights of Labor" on the American Federation of Labor. But at this showing of how hard pressed he must be for arguments, trade unionists merely smile and ask where those Knights are to be found. In another of Mr. Kirby's leaflets, which contains his address on taking the presidency of the Manufacturers' Association in 1909, he quotes a magazine in calling attention to the fact that in 1906 and 1907 the International Typographical Union spent three million dollars on its eight-hour strike, the article saying: "They lost ground" in the first of these two years and in the second "threw into the same whirlpool," "with a dogged tenacity of a man who does not know he is defeated," the sum so expended. But that eight-hour strike was completely won. When it began the International Typographical Union had 46,000 members; it has now 54,700. These have gotten back in increased wages since the strike was closed all the sums it cost the union, several times over, besides enjoying the marked reduction of the workday. In most of his leaflets Mr. Kirby, in unmeasured terms,

attacks the National Civic Federation. But that organization gives no indication of being enfeebled thereby. Mr. Kirby in an address took the side of the employers against the shirt-waist strikers, citing with approval the dictum, "The Waist and Dress Manufacturers will never sign any union agreements." But they did, the last one among them. Mr. Kirby seems to regard his favorite assertion relative to the proportion of union wage-workers to all the workers of this country as one of his strongest points, for he prints it at least a score of times in his addresses and leaflets. In his "Goal of the Labor Trust" he puts his figures thus: "The fact that a paltry $3\frac{1}{2}$ per cent. of the workingmen of this country, embracing the militant, discordant, and disturbing element of society, should be permitted to dominate over industrial and commercial affairs as they have done, is a disgrace to American business men and to American manhood." But where is the industrial employer who is making believe that he has access to a labor market in which, as Mr. Kirby elsewhere puts his proposition, " $3\frac{1}{2}$ per cent. of the workers" "coerce, intimidate, and brutally persecute the other $96\frac{1}{2}$ per cent?" Mr. Kirby's statements of this kind—typical of the premises on which he makes his usual absurd deductions—could not arouse any interest among the employers in the congress we have imagined, practical men as they would be. The bituminous mine oper-

ators present would know full well that the proportion of union miners runs from 60 to 75 per cent. of the whole number; and the employing printers that more than 90 per cent. of the available and competent compositors are union; even the waist and skirt manufacturers, in proper season, are made aware that not even $3\frac{1}{2}$ per cent. of their employes are then non-union. Mr. Kirby would in vain point out to his fellow-employer delegates at the congress the millions of domestic servants, farm laborers, office clerks, and unorganized casual workers as playing any part in the industrial market in which they are commonly interested in obtaining their skilled employes. On these classes of workers the employers do not bestow a glance when choosing between union and non-union men, each for his particular industry. The momentous fact to industrial employers is that the unions master their respective divisions of the labor market and hold the labor in them on sale collectively. The unionists also speak for the non-unionists, who are unable to voice their own demands, either before the public, the legislative bodies, or the employers.

A minor point in the estimate of delegates to a mixed congress discussing economics, and yet a matter of some consideration among American gentlemen, might be made against Mr. Kirby should a labor delegate quote specimens of the billingsgate he habitually employs in his peppery

“literature”; “Loud-mouthed agitator and preacher of discontent”; “yelpings of such men”; “labor demagogue”; “captured the Civic Federation, body, boots and breeches”; “no organization of men, not excepting the Ku-Klux-Klan, the Mafia, or the Black Hand Society, has ever produced such a record of barbarism”; “fake union promoters”; “sinister threatenings of the labor trust”; “gab-fests”; “a fine bunch of reformers”; “a reverend demagogue” (Mr. Stelzle). It was such phraseology that brought from President-Emeritus Eliot of Harvard the suggestion, “Your words would carry greater weight with the American people if they were somewhat less intense.”

Mr. Kirby would be asked to give names at once were he to assert before the congress we have imagined, what he has printed repeatedly in his association’s leaflets, that “a man prominent in labor circles,” said to him: “A labor union without violence is a joke,” and that “a President of a labor union” said to him: “The only way to make a boss give us what we want is to tie him up in knots and beat hell out of the scabs who work for him.” He would also be compelled to face the challenge of Samuel Gompers to produce his proofs should he repeat his quotation attributing to Mr. Gompers the declaration on one occasion that he “is the master of a million minds.” Mr. Kirby could also be set right, on

the spot, were he to say, as in his leaflets, that, "John Mitchell has expressed in the strongest language his contempt for the decisions of the courts and his refusal to obey them," and that "Gompers, Mitchell and Morrison have openly defied the authority" of "the supreme judicial tribunal." As all men may know, the basis of these last assertions is the fact that organized labor has asked for a decision by the highest court on certain decrees of a lower court, which may be in error. But all such talk by Mr. Kirby is recognized as mere campaign perversion and distortion.

Mr. Kirby's spirit, the tone of his utterances, his manner in expressing himself, and the plane of his argument, all would fail to awaken favorable response in a gathering of serious men representative of the two classes most closely interested in the social problems he has set out to solve in his fiery and dogmatic way. These men could not accept Mr. Kirby's presentation of the economic question of trade unionism as either correct or adequate. The traditional methods of blind partisanship—which, chiefly, are to minimize the discussion of principles, to avoid, if possible, agreement between disputants as to the fundamental points at issue, and with wrath and fury to make the most of any weaknesses which may with even faint color of truth be fastened upon to discredit the other side—these are Mr. Kirby's

sole methods. Fair-minded and intelligent representatives of his own class, acting under obligations to their country, indeed, to civilized society, would promptly see through his tricks of putting his adversaries in a false position, discount his assertions, take his measure as an unfair pleader and a poor prophet and look elsewhere for a worthy champion. Indeed, in the actual course of events, that is what has taken place.

What, justly and logically, is the order of argument on the question of the trade union?

Trade unionism is a natural consequence of the social conditions resulting from competition between wage-workers for employment. That is the primary, the basic, the comprehensive fact to be considered by every assemblage, every economic observer, every contestant on either side, when considering the question of organized labor. There is no other equally illuminating initial point for a discussion of the wage problem. That this is true is accepted as an indisputable commonplace wherever men of affairs face men of labor in arranging terms for labor in the market.

Mr. Kirby's solution of the problem is that there must be no "interference with the natural law of supply and demand." He would have the sellers of labor ever at the mercy of buyers, whereas the trade union would put sellers on an equal footing with the buyers. The depths of

deprivation and despair to which the mass of wage earners may be carried by unrestricted competition among themselves for the boon of work has been illustrated the world over, times without number. The competing laborers have been tantalized with a vicious circle of inapplicable or self-destructive palliatives for the persistent fact of general competition and its baneful effects. "Be thrifty" is a useless injunction either to the wage earners out of work or to those whose gains at best fail to secure the standard of living of civilized beings. "Be competent." "Be loyal to your employers." "Be quiet." "Distrust agitators." All such admonitions have everywhere been listened to and followed by well-meaning, confident, upright, industrious laborers, to find at last that while each in certain conditions may have its place in prudent conduct or wise self-guidance, all together—as in the case of the industrious, patient, self-denying, but starving sewing women—count for little in an overstocked wage market.

When is the wage market overstocked? The answer is: Whenever a wage worker's employer can tell him to be off if dissatisfied, there's another man waiting for his job. That fact makes the employer the master. No individual in the mass of laborers can stand up for his own terms in employment when another, his equal, or anything like it, will accept lower terms. Moreover, the employer himself, whatever his just or generous

inclinations, is made to bend to the law of competition in labor when his rival reduces the cost of production through working his employes longer hours than he would exact or for smaller wages than he would wish to pay.

Who does not know these truths? Who cannot see that in respect to the actual contact between the buyers and sellers of labor they are all-inclusive? Who has not seen them exemplified on a small scale as between two village shops or on a vast scale in mine, or iron-works, or railroad, employing thousands of workmen? Who does not know that they have formed the riddle of economists, the vexation of philanthropists, the problem of problems for statesmen, the torture of toilsome wage workers, the bases for the menace of social revolution?

Trade unionists every day overcome Mr. Kirby's "natural law of supply and demand" by a method equally natural. They refuse to sell their labor in competition. From the proposition that they shall not do so flow as corollaries the regulations by which the unionists forestall the buyers' methods of over-stocking or undermining the labor market. They justify their rules by the necessity of self-preservation for their union. Their organization is the instrument indispensable in attaining their purpose—a welfare of the working classes impossible in a state of competition.

No congress of employers and employed, if

honestly setting out to face truth germane to their object, could possibly avoid debating this main principle of the labor question. They could never get away from it unanswered. All other phases of the subject are subsidiary to it. The character of the men in the labor movement, or of the men ambitious to be the champions among organized labor's enemies, is not pertinent to it. In a parliament studying the labor problem, economics coming separately and first, the enforced competition of laborers must be the overshadowing matter for consideration. But Mr. Kirby and his kind ignore it.

Why Mr. Kirby is conducting a losing fight is plainly to be seen. He has not won with the working classes, for the reason that all his arguments, when they come to the testing point, are but arguments for the restoration of competition in the labor market, and that condition is intolerable because destructive to the workers. He has not won with the employing classes, for several reasons. The wise and experienced among them, equally with the union men, regard the drift of his talk—has he any doctrines?—as antiquated, impractical, detrimental to society. A large proportion of them do not share his feelings of misery and pain when judging of the outcome of unionism. On the contrary, they pronounce for the unions. They would rather go with the union's sympathizers—the churches, the women's clubs, the law-

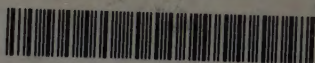
makers, the organizations that strive for industrial agreement, all of which, in their turn, Mr. Kirby has rabidly denounced—than the way Mr. Kirby has chosen, the way of ceaseless conflict, hard feeling, hysterical lamentation, and foredoomed defeat.



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